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Investigation into the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him

Investigation into the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him

Note by the Secretary-General

1. I have the honour to refer to General Assembly resolutions 1759 (XVII), 69/246 and 70/11 concerning the investigation into the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him. In accordance with paragraph 1 of resolution 69/246, on 16 March 2015 I appointed the Independent Panel of Experts to examine and assess the probative value of new information relating to the deaths of the former Secretary-General and those accompanying him. After the Panel concluded its work in June 2015, by a letter dated 2 July 2015 addressed to the President of the General Assembly (A/70/132), I transmitted the report of the Panel and commented on the progress made by it. As I noted in that letter, the report of the Panel constitutes an indispensable step towards fulfilling our shared responsibility to establish the facts after these many years, and represents a significant contribution to the search for the truth about the events of 17 and 18 September 1961.

2. It will be recalled that while the Panel concluded that new information and analysis showed that certain hypotheses of the possible causes of the crash lacked merit, it ultimately found significant new information that it assessed as having sufficient probative value to continue to pursue aerial attack or other interference as a hypothesis of the cause of the crash. It specifically concluded that certain information "may also provide an appreciable lead in pursuing the truth of the probable cause or causes of the air crash and tragic deaths".

3. Following consideration of the report of the Panel, the General Assembly, in resolution 70/11, reiterated its calls for full disclosure of information and cooperation from Member States, and requested that I pursue pending requests for information which the Panel had made to Member States, but to which full

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responses had not yet been received. In resolution 70/11, the General Assembly also requested that I explore the feasibility of the establishment of a central archival holding or other holistic arrangement, as also recommended by the Panel.

4. As described in the preceding paragraph, at the date of the report of the Panel, certain requests for information made by the Panel to Member States remained pending. Accordingly, I requested the United Nations Legal Counsel to engage with the Member States concerned to follow up on the unfulfilled aspects of the Panel's requests for specific information. I further requested the Legal Counsel to receive and review any additional new information provided by Member States or by other sources in a focused and concerted examination of whether it alters the probative value of the information currently in our possession. On 18 November 2015, the United Nations Legal Counsel wrote to representatives of Belgium, the Republic of South Africa, the United Kingdom of Great Britain and Northern Ireland, and the United States of America to reiterate the Panel's unfulfilled requests for specific information.

5. In the letter dated 18 November 2015 addressed to the Permanent Representative of Belgium to the United Nations, reference was made to paragraph 114 of the Panel's report and its unanswered query regarding whether Belgium had among its files and records material related to the possible existence of a pilot by the name "Beukels". A response was received from the Permanent Mission of Belgium on 11 January 2016, in which it was confirmed that there was no record related to the existence of a pilot by the name "Beukels". A copy of the letter to the Permanent Representative of Belgium and the response are provided as annex I to the present note.

6. In the letter dated 18 November 2015 addressed to the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, reference was made to its response to the Panel of 10 June 2015, and a request was made that the Government consider releasing certain materials to which unrestricted access had not been given, without any redactions. The Government was also requested to confirm that its search of "all relevant UK departments" included a search of "all security and intelligence agencies". A response was received from the Permanent Mission of the United Kingdom on 23 June 2016, in which it indicated that its position on release of information had not changed since its letter to the Panel of 10 June 2015. A copy of the letter to the Permanent Representative of the United Kingdom and the response are provided as annex II to this note.

7. In the letter dated 18 November 2015 addressed to the Permanent Representative of the United States of America to the United Nations, reference was made to paragraphs 84 and 94 of the Panel's report. Specifically, responses were sought to the Panel's unanswered queries related to records concerning the possible service of a Mr. Southall, a Mr. Abram and a Mr. Doyle, as well as the possible presence of and transmissions from two United States Air Force aircraft in Ndola on 17 and 18 September 1961. A response was received from the United States Mission on 10 June 2016. The response stated that, regarding Mr. Southall, information available indicated that he joined the Navy in 1955 and was released from active duty in 1969, and that he retired from the Naval Reserve in 1978 at the rank of commander. Further information regarding Mr. Southall's situation was not provided. Regarding Mr. Abram, the response stated that the United States Air Force

had conducted a search and found no information responsive to the Panel's queries. Regarding Mr. Doyle, the response stated that in the early 1960s, Mr. Doyle worked for the Central Intelligence Agency in the Congo region. In relation to the possible presence of and transmissions from two United States Air Force aircraft in Ndola on 17 and 18 September 1961, the response stated that the United States Air Force had conducted a search and had not found any documents or information regarding the presence of any United States Air Force aircraft on the tarmac at Ndola airport in September of 1961. A copy of the letter to the Permanent Representative of the United States of America and the response are provided as annex III to this note.

8. In the letter dated 18 November 2015 addressed to the Permanent Representative of South Africa, reference was made to the Panel's letter of 23 April 2015. That letter referred to enquiries regarding a file passed to South Africa's Truth and Reconciliation Commission in 1998 which was said to contain documents referring to an operation code-named "Celeste", and to the possible identity of a South African national named "Swanepoel". In a response of 1 July 2016, the Permanent Mission of South Africa noted "a revelation made during the Republic of South Africa's Truth and Reconciliation Commission (TRC) hearings in the 1990s pointing to the possible involvement of an 'SA Institute for Maritime Research (SAIMR)' in the death of Mr. Hammarskjöld". The response indicated the full support of South Africa regarding the investigation, in compliance with the above-cited General Assembly resolutions. It further stated that the Department of Justice and Constitutional Development had directed that a search be undertaken for any relevant documents, records or information, following which the United Nations request for such information would be considered in line with the relevant constitutional and legal requirements of the Republic of South Africa. The response did not specifically address other records, including regarding an individual named "Swanepoel". A copy of the letter to the Permanent Representative of South Africa and the response are provided as annex IV to this note.

9. Regarding the responses to my reiteration of the Panel's unanswered requests, I note that the response received from Belgium does not add to the existing body of information. I further note that the response received from the United Kingdom confirms the information shared with the Panel on 10 June 2015. The response from the United States confirms certain facts considered by the Panel, and answers the query regarding Mr. Doyle. Specifically, regarding Mr. Southall, the United States had previously confirmed that he was an active member of the United States Navy at the relevant time. Further details of the nature of his service, including the location at which he was stationed, have not been provided. Regarding Mr. Abram, no information has been provided. Regarding Mr. Doyle, his service with the Central Intelligence Agency in the Congo region in the early 1960s has been verified. Having considered the foregoing, I note that the responses received from Belgium, the United Kingdom and the United States do not appear to alter the conclusions reached by the Panel, in particular in respect of its assessment that sufficient probative value exists to continue to pursue aerial attack or other interference as a hypothesis of the cause of the crash.

10. Regarding the response received from South Africa, it appears possible that certain documents, if they were to be originals, have not been seen by any prior investigation. The copies of these documents, which the Panel made reference to,

apparently relate to a purported "Operation Celeste", the stated objective of which was to "remove" Hammarskjöld. The Panel was not able to conclude whether such documents might be authentic or not, given that it had only "poor quality copies". If it is the case that original documents may now be available from South Africa, it may be possible to conduct forensic or other analyses to make a determination of their authenticity. Whether the documents are authentic or not would allow the hypothesis relating to "Operation Celeste" to be either supported or dispelled, either of which would be a contribution to the historical record.

11. Since the Panel concluded its work, communications have also been received from various individuals, and continue to be received even up to the date of the present note. The communications are not comprehensive to the extent that I can conclude whether they may ultimately affect the probative value of the information considered by the Panel. In my view, these communications appear to represent lines of enquiry that are not yet fully explored.

12. In my letter dated 2 July 2015 addressed to the President of the General Assembly, I noted that a further inquiry or investigation would be necessary. I find that this conclusion still stands. This appears to have also been foreseen by the General Assembly, when it "recogniz[ed] that a further inquiry or investigation would be necessary to finally establish the facts of the matter", in resolution 70/11. Any such further inquiry or investigation would, however, benefit from an assessment of the potential new information, including any from South Africa. The General Assembly may therefore wish to consider first appointing, or authorizing me to appoint, an eminent person or persons to review the potential new information, including that which may be available from South Africa. Thereupon, the eminent person or persons would be in a position to determine the scope that any further inquiry or investigation should take.

13. I would again urge all Member States to continue their search for relevant documents and information, and to review for potential disclosure information which remains classified or undisclosed for other reasons. I have declassified those archives of the United Nations for which I am responsible under the relevant rules and regulations, some of which were, at the time of the report of the Panel, still classified at a confidential or strictly confidential level.

14. In line with the recommendation of the Panel and the request of the General Assembly in resolution 70/11, I also explored "the feasibility of the establishment of a central archival holding or other holistic arrangement that would enable access by electronic or other appropriate means to those records and archives by the United Nations and any other authorized parties with a view to ensuring their continued and enhanced preservation and access". To this end, a list of institutions and individuals that may hold records or archives relevant to the matter has been compiled, and the United Nations has commenced the collection of inventories of relevant records and archives. Once a sufficient number of responses have been received to create an initial catalogue of the totality of relevant records and archives, and notwithstanding that by its nature such a catalogue is likely to continue to grow over time, appropriate arrangements will need to be made for the management of and access to this catalogue, which could form the basis for a central archival holding. An initial assessment suggests that there is likely to be a significant amount of material, with much of it available in electronic form. Therefore, a feasible approach may be for a

single entity to be provided electronic copies of all relevant records and archives, and to maintain an electronic database of these records, as a central archival holding.

15. It remains our shared responsibility to pursue the full truth concerning the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and the others accompanying him. To that end, I again call on the General Assembly to reiterate its message to Member States, further to paragraph 2 of its resolutions 69/246 and 70/11, to ensure that any relevant records that remain classified, more than 50 years after the fact, are declassified or otherwise made available for review by any eminent person or persons whom the Assembly may wish to entrust with this mandate. As I have previously noted, this may be our last chance to find the truth. Seeking a complete understanding of the circumstances is our solemn duty to my illustrious and distinguished predecessor, Dag Hammarskjöld, to the other members of the party accompanying him, and to their families.

Annex I

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS-ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
TELEPHONE NO: (212) 963-1234; FAX NO: (212) 963-3155

18 November 2015

Excellency,

I have the honor to refer to the General Assembly resolution 69/246 of 29 December 2014 requesting the Secretary-General to appoint an Independent Panel of Experts in order to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of members of the party accompanying him. I have further the honor to refer to the letter dated 2 July 2015 from the Secretary-General addressed to the President of the General Assembly transmitting the report of the Panel together with a transmittal letter from the Head of the Panel (A/70/132). On behalf of the Secretary-General, I wish to express his sincere appreciation for the information and material provided by your Government in order to assist the Panel in its work.

It will be recalled that, in transmitting the Panel's report to the President of the General Assembly, the Secretary-General endorsed the Panel's views that "the final revelation of the whole truth about the conditions and circumstances resulting in the tragic death … would still require the United Nations, as a matter of continuity and priority, to further critically address remaining information gaps, including in the existence of classified materials and information held by Member States and their agencies that may shed further light on this fatal event and its probable cause or causes". Of particular relevance is material and information which relates to the information that the Panel has assessed as having moderate probative value.

As stated in his letter to the President of the General Assembly, the Secretary-General requested that I engage with the Member States concerned to follow up on the unfulfilled aspects of the Panel's requests for information. In this regard, I wish to refer to paragraph 114 of the Panel's report regarding the Panel's unanswered query to your Government "whether it has among its files and records material related to the possible existence of a pilot by the name "Beukels". It will be recalled that with its letter, dated 23 April 2015, a copy of which is attached, the Panel sought such information from your Government.

Her Excellency
Ms. Bénédicte Frankinet
Permanent Representative of Belgium
to the United Nations
New York

The Secretary-General is of the view that it is the shared responsibility of the Organization and its Member States "to pursue the full truth concerning the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and the others accompanying him". To this end, I respectfully request that the relevant authorities of your Government share with the United Nations any material or information that they may have in relation to the above-mentioned subject.

Please accept, Excellency, the assurances of my highest consideration.

Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel

Représentation Permanente du Royaume de Belgique
auprès des Nations Unies

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RÉF.: NYK UNO/JUR 01/NV/ami/2016/009 CONFIDENTIEL

Le Représentant permanent de la Belgique auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général adjoint pour les Affaires juridiques de l'Organisation des Nations Unies et a l'honneur de se référer à la note verbale du 18 novembre 2015 concernant « L'Enquête sur les conditions et les circonstances de la mort tragique de Dag Hammarskjold et des personnes qui l'accompagnaient ».

Le Représentant permanent de la Belgique auprès de l'Organisation des Nations Unies a l'honneur de faire savoir au Secrétaire général adjoint pour les Affaires juridiques de l'Organisation des Nations Unies que la Belgique confirme n'avoir trouvé aucune trace de l'existence d'un pilote dénommé Beukels, ni dans les archives diplomatiques ni dans les archives de sociétés privées (Société générale, Union Minière et Sibeka) conservées aux Archives générales du Royaume. A toute fin utile, il précise que ces archives sont d'accès public et consultables sur demande.

New York, le 11 janvier 2016

Le Secrétaire général adjoint pour les Affaires juridiques
de l'Organisation des Nations Unies
Bureau S-3620
New York

.be

Annex II

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS-ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
TELEPHONE NO: (212) 963-1234; FAX NO. (212) 963-1121

18 November 2015

Excellency,

I have the honour to refer to General Assembly resolution 69/246 of 29 December 2014 requesting the Secretary-General to appoint an Independent Panel of Experts in order to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of members of the party accompanying him. I have the further honour to refer to the letter dated 2 July 2015 from the Secretary-General addressed to the President of the General Assembly transmitting the report of the Panel together with a transmittal letter from the Head of the Panel (A/70/132).

It will be recalled that, in transmitting the Panel's report to the President of the General Assembly, the Secretary-General fully endorsed the Panel's views that "the final revelation of the whole truth about the conditions and circumstances resulting in the tragic death ... would still require the United Nations, as a matter of continuity and priority, to further critically address remaining information gaps, including in the existence of classified material and information held by Member States and their agencies that may shed further light on this fatal event and its probable cause or causes". Of particular relevance is material and information which relates to the information that the Panel has assessed as having moderate probative value.

As stated in his letter to the President of the General Assembly, the Secretary-General requested that I engage with the Member States concerned to follow up on the unfulfilled aspects of the Panel's requests for information. In this regard, I wish to refer to the Panel's report, and more specifically to the Panel's letter, dated 23 April 2015. Your Government's response to this letter, dated 10 June 2015, informed that Panel as follows:

> "The vast majority of UK material relating to these events has already been released to The National Archives at Kew and is available to the public there. The FCO has co-ordinated a search across all relevant UK departments. None of these departments have identified any pertinent material."

His Excellency
Mr. Matthew Rycroft, CBE
Permanent Representative of the United Kingdom
to the United Nations
New York

"I have also commissioned a review of all the retained material listed in your letter to determine whether this material can now be released. This review has been carried out on the basis that all relevant information should be released to the Panel unless it is absolutely necessary to continue to withhold it."

"I regret that our review has determined that we are not in a position to release any of the retained material. We have reviewed all of the individual redactions and we have concluded that this information must continue to be withheld under Section 3(4) of the UK Public Records Act. In all cases the reason for these redactions is that the information cannot be released for security-related reasons."

"The redactions consist of individual pieces of text, within otherwise open files. We are not retaining any whole documents or files. The total amount of information withheld is very small and most of the redactions only consist of a few words. The limited nature of these redactions can be seen in the files which are openly available at The National Archives. Our assessment is that all information of value to the Panel has already been released to The National Archives in the files you have identified and that release of the redacted material would not provide anything of additional value for the Panel's work."

As stated by the Secretary-General, it is the shared responsibility of the Organization and its Member States "to pursue the full truth concerning the conditions and circumstances resulting in the tragic death of Dag Hammarskjold and the others accompanying him". While your Government has informed the Panel that the information withheld "is very small and most of the redactions consist of a few words", I respectfully request that your Government consider releasing the materials in question without any redactions. I also respectfully request that your Government confirm that its search of "all relevant UK departments" has included a search of all security and intelligence agencies, as has been indicated by other Member States of which similar information has been sought.

Please accept, Excellency, the assurances of my highest consideration.

Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel

United Kingdom
Mission to the
United Nations

The Permanent Representative,
Matthew Rycroft CBE
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885 Second Avenue
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23 June 2016

Miguel de Serpa Soares
Under Secretary-General for Legal Affairs
The Legal Counsel
Office of Legal Affairs
S-3620
United Nations
New York

Dear Under Secretary General

DAG HAMMARSKJÖLD PANEL

Thank you for your letter of 17 March. I am sorry not to have been able to reply until now.

I refer you again to the letter dated 10 June 2015 from the Foreign and Commonwealth's Departmental Records Officer, Mr Robert Deane. The United Kingdom's position on release of information has not changed since that letter. The United Kingdom considered very carefully whether there was any material we could release before sending the June 2015 letter explaining that we are not in a position to release any of the retained material. Our position remains the same and we are not able to release the materials in question without any redactions.

As set out in the United Kingdom's letter of June 2015, the redactions consist of individual pieces of text, within otherwise open files. The total amount of information withheld is very small and most of the redactions only consist of a few words. The limited nature of these redactions can be seen in the files which are openly available at The National Archives.

You have also asked whether our searches included a search of all security and intelligence agencies. On 10 May 2016, in a response to a Parliamentary Question on

this subject, the Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Philip Hammond MP, said that "the Foreign and Commonwealth Office (FCO) coordinated a search across all relevant UK Government departments."

Our assessment is still that all information of value to the Panel has already been released to The National Archives and that release of the redacted material would not provide anything of additional value for the Panel's work.

Yours sincerely,

Matthew Rycroft

Annex III

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
TELEPHONE NO. (212) 963-1234, FAX NO. (212) 963-1121

18 November 2015

Excellency,

I have the honor to refer to the General Assembly resolution 69/246 of 29 December 2014 requesting the Secretary-General to appoint an Independent Panel of Experts in order to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of members of the party accompanying him. I have further the honor to refer to the letter dated 2 July 2015 from the Secretary-General addressed to the President of the General Assembly transmitting the report of the Panel together with a transmittal letter from the Head of the Panel (A/70/132). On behalf of the Secretary-General, I wish to express his sincere appreciation for the information and material provided by your Government in order to assist the Panel in its work.

It will be recalled that, in transmitting the Panel's report to the President of the General Assembly, the Secretary-General endorsed the Panel's views that "the final revelation of the whole truth about the conditions and circumstances resulting in the tragic death ... would still require the United Nations, as a matter of continuity and priority, to further critically address remaining information gaps, including in the existence of classified materials and information held by Member States and their agencies that may shed further light on this fatal event and its probable cause or causes". Of particular relevance is material and information which relates to the information that the Panel has assessed as having moderate probative value.

As stated in his letter to the President of the General Assembly, the Secretary-General requested that I engage with the Member States concerned to follow up on the unfulfilled aspects of the Panel's requests for information. In this regard, I wish to refer to paragraphs 84 and 94 of the Panel's report regarding information not yet provided by your Government. Specifically, I refer to the following requests from the Head of the Panel. In the letter, dated 23 April 2015, the Panel indicated to your Government as follows:

> "the Panel would welcome information about whether Mr. Southall and Mr. Abram were enlisted in the US Navy and Air Force, respectively, or other branches of the US Government at the time in question; stationed in Cyprus and Greece, respectively; and whether and in what capacity they worked in support of the National Security Agency at that time".

Her Excellency
Ms. Samantha Power
Permanent Representative of the United States
to the United Nations
New York

"The Panel notes the Commission's reporting on the presence of two US Air Force aircraft, possibly DC-3 Dakotas, on the tarmac at Ndola airfield on the night of the crash, which Rhodesian Royal Air Force Squadron Leader Mussell reported to the UN inquiry of 1962 were 'sitting on the airfield with their engines running'. The latter observation was assessed at the time as inviting the possibility those on board were listening to radio communications in the area or transmitting information to another station or both. In assessing the probative value of this information, the Panel respectfully requests the competent US authorities to search their records for and share with the Panel any information they may have in their possession obtained or transmitted by those aboard the two US Air Force aircraft that could shed light on the circumstances relating to the tragic crash of flight SE-BDY."

In the letter dated 28 May 2015, the Panel indicated to your Government as follows:

"The Panel would be grateful for information about whether Mr. Doyle was a member of the Central Intelligence Agency or other US Government department or agency and, if so, whether he was posted to the Congo or the surrounding region at or around the time in question."

As stated by the Secretary-General, it is the shared responsibility of the Organization and its Member States "to pursue the full truth concerning the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and the others accompanying him". To this end, I respectfully request that the relevant authorities of your Government share with the United Nations any material or information that they may have in their custody or possession in response to the above queries from the Panel, which have remained unanswered.

Please accept, Excellency, the assurances of my highest consideration.

Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel

UNITED STATES MISSION TO THE UNITED NATIONS

799 United Nations Plaza
New York, N. Y. 10017-3505

June 10, 2016

Dear Under-Secretary-General Soares,

I am writing with reference to your letters dated November 18, 2015 and March 17, 2016. I am responding to your letters on behalf of Ambassador Power.

In your letters, you made reference to the Independent Panel of Experts which was charged with examining and assessing the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjold and of members of the party accompanying him, and you expressed your appreciation for the information and material provided by the United States Government in order to assist the Panel in its work. In your letters, you also requested that the relevant authorities of the US Government share with the United Nations any material or information that they may have in their custody or possession in response to the following queries of the Panel. The US Government's response follows each of the queries below.

1. *Query:* "The Panel would welcome information about whether Mr. Southall and Mr. Abram were enlisted in the US Navy and Air Force, respectively, or other branches of the US Government at the time in question; stationed in Cyprus and Greece, respectively; and whether and in what capacity they worked in support of the National Security Agency at that time."

   Response: As noted in my letter dated June 9, 2015, with respect to Mr. Southall, we have received information that indicates that he joined the Navy in 1955 and was released from active duty in 1969, and that he retired from the Naval Reserve in 1978 at the rank of commander. The US Navy has conducted a search and has found no further information regarding Mr. Southall responsive to the above queries. The US Air Force has conducted a search and has found no information regarding Mr. Abram responsive to the above queries. We are not aware of any other information in response to the above queries.

Mr. Miguel de Serpa Soares
Under-Secretary General and Legal Counsel
Office of Legal Affairs
United Nations S-3620
New York, New York

2. Query: "The Panel notes the Commission's reporting on the presence of two US Air Force aircraft, possibly DC-3 Dakotas, on the tarmac of Ndola airfield on the night of the crash, which Rhodesian Royal Air Force Squadron Leader Mussell reported to the UN inquiry of 1962 were 'sitting on the airfield with their engines running.' The latter observation was assessed at the time as inviting the possibility those on board were listening to radio communications in the area or transmitting information to another station or both. In assessing the probative value of this information, the Panel respectfully requests the competent UB authorities to search their records for and share with the Panel any information they may have in their possession obtained or transmitted by those aboard two US Air Force aircraft that could shed light on the circumstances relating to the tragic crash of flight SE-BDY."

Response: The United States Air Force has conducted a search and has not found any documents or information regarding the presence of any US Air Force aircraft on the tarmac at Ndola airport in September of 1961.

3. Query: "The Panel would be grateful for information about whether Mr. Doyle was a member of the Central Intelligence Agency or other US Government department or agency and, if so, whether he was posted to the Congo or the surrounding region at or around the time in question."

Response: In the early 1960's, Mr. Doyle worked for the Central Intelligence Agency in the Congo region.

I hope that the information that the United States has provided has been of assistance to you.

Sincerely,

Mark Simonoff
Minister Counsellor
Legal Affairs

Annex IV

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS-ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
TELEPHONE NO. (212) 963-1234, FAX NO. (212) 963-1121

18 November 2015

Excellency,

I have the honor to refer to the General Assembly resolution 69/246 of 29 December 2014 requesting the Secretary-General to appoint an Independent Panel of Experts in order to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of members of the party accompanying him. I have further the honor to refer to the letter dated 2 July 2015 from the Secretary-General addressed to the President of the General Assembly transmitting the report of the Panel together with a transmittal letter from the Head of the Panel (A/70/132).

It will be recalled that, in transmitting the Panel's report to the President of the General Assembly, the Secretary-General endorsed the Panel's views that "the final revelation of the whole truth about the conditions and circumstances resulting in the tragic death ... would still require the United Nations, as a matter of continuity and priority, to further critically address remaining information gaps, including in the existence of classified materials and information held by Member States and their agencies that may shed further light on this fatal event and its probable cause or causes". Of particular relevance is material and information which relates to the information that the Panel has assessed as having moderate probative value.

As stated in his letter to the President of the General Assembly, the Secretary-General requested that I engage with the Member States concerned to follow up on the unfulfilled aspects of the Panel's requests for information. In this regard, I wish to refer generally to the Panel's report and more specifically to the Panel's letter, dated 23 April 2015, requesting that the competent South African authorities search for and share the information and material they may have in their possession in respect of the queries set forth in that letter. A copy of the Panel's letter, dated 23 April 2015, which has remained unanswered, is attached.

His Excellency
Mr. Jeremiah Nyamane Kingsley Mamabolo
Permanent Representative of the Republic
of South Africa to the United Nations
New York

As stated by the Secretary-General, it is the shared responsibility of the Organization and its Member States "to pursue the full truth concerning the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and the others accompanying him". To this end, I respectfully request that the relevant authorities of your Government share with the United Nations any material or information that they may have in response to the Panel's specific requests dated 23 April 2015 they may have in their custody or possession.

Please accept, Excellency, the assurances of my highest consideration.

Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel

Note No 273 /2016

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Office of Legal Affairs and Legal Counsel of the United Nations, and has the honour to refer to the letter dated 18 November 2015 requesting assistance from the South African authorities in acquiring possible new information relating to the death of former UN Secretary-General Mr Dag Hammarskjöld in 1961.

The Republic of South Africa wishes to assure the Office of Legal Affairs of its full support of the investigation and for the request to provide the Secretary-General with relevant information related to the death of Mr Dag Hammarskjöld and the members of the party accompanying him. The Republic of South Africa has taken note of the Report of the Independent Panel of Experts, which, amongst others, notes a revelation made during the Republic of South Africa's Truth and Reconciliation Commission (TRC) hearings in 1990s pointing to the possible involvement of an "SA Institute for Maritime Research (SAIMR)" in the death of Mr Hammarskjöld.

The Department of Justice and Constitutional Development has directed that a search be undertaken for any documents, records or information in compliance with the above UN General Assembly resolution. The Secretary-General, through the Office of Legal Affairs will be kept abreast of developments once the documentation has been located and the request from the Office of Legal Affairs will be considered in-line with the relevant constitutional and legal requirements of the Republic of South Africa.

The Permanent Mission of the Republic of South Africa to the United Nations avails itself of this opportunity to renew its highest consideration to the Office of Legal Affairs and Legal Counsel of the United Nations.

1 July 2016
New York

PERMANENT MISSION OF SOUTH AFRICA TO THE UNITED NATIONS
NEW YORK

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Agenda item 34
Prevention of armed conflict

Security Council
Seventy-first year

Letter dated 3 August 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I am transmitting herewith for your attention the press release of the Ministry of Defence of the Nagorno Karabakh Republic dated 31 July 2016 on the situation on the line of contact between the Nagorno Karabakh Republic and the Republic of Azerbaijan (see annex).

I kindly request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Zohrab **Mnatsakanyan**
Ambassador
Permanent Representative

16-14291 (E) 190816

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Annex to the letter dated 3 August 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Press release

Situation on the line of contact

In the early hours of 31 July, the Azerbaijani army violated the ceasefire on the line of contact between the armed forces of the Nagorno Karabakh Republic and Azerbaijan 46 times, firing over 600 shots towards the positions of the Defence Army of the Nagorno Karabakh Republic from firearms of different calibres.

As a result of the ceasefire violation, on 31 July at 00.40 a.m., serviceman Hovhannes Gasparyan, born in 1997, was wounded in one of the military units of the Defence Army of the Nagorno Karabakh Republic located in the southern direction.

31 July 2016

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Agenda item 34 (b)
Prevention of armed conflict: strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution

Security Council
Seventieth year

Letter dated 10 August 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the comments of the President of Ukraine, Petro Poroshenko, on recent accusations made by the Russian Federation (see annex).

I would appreciate your kind assistance in having the present letter and its annex distributed as a document of the General Assembly, under agenda item 34 (b), and of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative

16-14285 (E) 230816

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Annex to the letter dated 10 August 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Comments of the President: Russia's accusing Ukraine of terrorism in occupied Crimea is absurd and cynical

10 August 2016

Russia's accusations that Ukraine launched terror attacks in the occupied Crimea are equally as cynical and insane as its claims that there are no Russian troops in eastern Ukraine.

These fantasies pursue the only goal: a pretext for more military threats against Ukraine.

Ukraine resolutely condemns terrorism in all its forms and manifestations. We would never, ever, use terror to de-occupy Crimea.

Russia provides money and arms to support terrorism in Ukraine. It has become a State-led policy on the occupied areas of Crimea and eastern Ukraine that resembles the Soviet Great Terror.

Russia will fail in its efforts to undermine Ukraine's reputation in the international arena and to press for lifting sanctions with such provocative acts.

I urge Russian authorities to honour international law, especially to respect the sovereignty and territorial integrity of States and human rights.

I expect that Russia will implement security clauses of the Minsk accords, including through Normandy Four procedures.

Ukraine is devoted to restoring its sovereignty and territorial integrity exclusively through political and diplomatic means. That includes the de-occupation of Crimea.

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Prevention of armed conflict

Security Council
Seventy-first year

Letter dated 29 July 2016 from the Permanent Representatives of Slovakia and South Africa to the United Nations addressed to the Secretary-General

It is our honour to inform you that, on 21 June 2016, the co-chairs of the Group of Friends of Security Sector Reform, Slovakia and South Africa, held a high-level dialogue on building support for security sector reform priorities in the Central African Republic. The event was organized in cooperation with the United Nations Inter-Agency Security Sector Reform Task Force and its secretariat, the Security Sector Reform Unit in the Department of Peacekeeping Operations. The event hosted representatives of the Central African Republic, the United Nations Integrated Stabilization Mission to the Central African Republic and key multilateral partners, including the United Nations, the European Union and the World Bank, as well as bilateral donors.

It is our pleasure to present to you the outcome of this high-level event. We enclose the co-chairs' statement (see annex), which highlights recommendations that emerged from our deliberations.

Please allow us to express our sincere gratitude and to commend the dedicated work of the Department of Peacekeeping Operations and the Security Sector Reform Unit. The Group of Friends of Security Sector Reform remains committed to supporting the United Nations in enhancing its role and approach to the security sector reform support process.

We should be grateful if you would circulate the present letter and its annex as a document of the seventieth session of the General Assembly of the United Nations, under agenda item 34 (a), and of the Security Council.

(*Signed*) František **Ružička**
Permanent Representative
Permanent Mission of Slovakia the United Nations

(*Signed*) Jerry **Matjila**
Permanent Representative
Permanent Mission of South Africa to the United Nations

16-14367 (E) 230816

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Annex to the letter dated 29 July 2016 from the Permanent Representatives of Slovakia and South Africa to the United Nations addressed to the Secretary-General

Co-chairs' statement

High-level dialogue on building support for key security sector reform priorities in the Central African Republic

Introduction

The co-chairs of the Group of Friends of Security Sector Reform, Slovakia and South Africa, facilitated a dialogue to build support for security sector reform priorities in the Central African Republic. Held in cooperation with the United Nations, the Inter-Agency Security Sector Reform Task Force and its secretariat, the Security Sector Reform Unit in the Department of Peacekeeping Operations, the dialogue provided a unique platform for a high-level discussion among and between the Government of the Central African Republic and the international community on this important area and contributed to the implementation of Security Council resolution 2151 (2014), which sets out the guiding principles for international assistance to national security sector reform efforts. The dialogue was organized in two segments. The high-level segment took place on 21 June 2016 at United Nations Headquarters in New York. It brought together high-ranking representatives of the Government of the Central African Republic, the Special Representative of the Secretary-General and Head of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) as well as representatives of key partners, including the United Nations, the European Union, the World Bank, the African Union and bilateral donors. The expert segment of the dialogue was conducted on 22 June and provided a useful opportunity to take forward the themes identified at the New York meeting a day earlier, with particular emphasis on the key elements of national ownership and the importance of national responsibility and political consensus in this regard.

The dialogue focused on two priorities. Firstly, speakers reflected on the elements of the national security sector reform process that are needed to secure lasting peace and prevent a relapse into conflict. Secondly, there was a focus on immediate and long-term reform needs pertaining to security sector institutions, including the police, the gendarmerie, the military and relevant civilian control and oversight bodies. Also, the role of local communities and their capacity to meaningfully participate in the provision of security and fulfil their democratic oversight role was noted.

Observations

Throughout the high-level segment of the dialogue, security sector reform was highlighted as a key tool for preventing relapse into conflict and as such the need was stressed for a strategic approach to security sector reform, consisting of three key elements:

1. Put in place a national policy and governance framework for the security sector

Considering the scope of the challenges and needs facing the security sector, a strategic long-term approach is essential for managing the security sector reform process. In this regard, the security sector reform policy framework should set out the security sector reform commitments, with a common understanding that a failure to progressively implement this framework will increase the likelihood of relapse into conflict.

Such a national security policy would include tangible steps towards developing a viable governance framework for the security sector. Increased accountability of the armed and security forces and the establishment of appropriate mechanisms and tools for parliament and local communities/civil society to exercise oversight will be crucial. To establish a system of democratic governance, it will be important to initiate and sustain consultations on an appropriate formula for decentralization and regional/local administration of security as means of introducing mechanisms for the devolution of power and as means for sustainable extension of State authority beyond Bangui; United Nations support to security sector reform in post-conflict environments has demonstrated that the process of separation of powers between political and military leaders, while a precondition for civilian control and oversight, is often a slow and gradual process. Hence, in the immediate aftermath of conflict, leaders of armed groups may view integration as an assurance policy and tool to secure immediate participation in the post-conflict political process. To avoid the creation of large and ultimately unsustainable armed forces, dialogue on security sector integration should, from the onset, go beyond military integration and lay the ground for the emergence of security governance throughout the country.

Indicators of progress could include: political accountability for leading a reform process in accordance with agreed objectives and principles, including those agreed during the Bangui Forum for National Reconciliation in the Central African Republic; increased representation within armed and internal security forces according to ethnicity, regional representation, gender and religion; effective decision-making within national security coordination and policymaking as an indicator of political will for security sector reform, the establishment of a dedicated monitoring and evaluation capacity within the coordination structure to enable impact-oriented evaluation, and the enhanced participation of local communities in security sector policymaking and decision-making.

2. Lay the ground for the effective functioning, professionalism and internal accountability of security institutions, in particular the Central African Armed Forces (FACA), the gendarmerie and the police

Identify and undertake tangible steps towards right-sizing the security sector as a prerequisite for its sustainability and professionalization. Additionally, put in place an appropriate and clear delineation between the roles and responsibilities of FACA, the police and the gendarmerie and take visible steps to demonstrate the application of agreed roles. Adopt a code of conduct for uniformed personnel and support its application as a means of enhancing trust with citizens and as a mechanism for developing a culture of internal accountability and professionalism. The establishment of Inspector-General functions and the empowerment of their offices would be an important step in the right direction. Implement a police

development programme, with immediate focus on rehabilitating and equipping the police and gendarmerie training institutions.

3. **Enhance coordination of international support, including of MINUSCA support, to the national security sector reform process within a mutual accountability framework (compact)**

Key security sector reform indicators should be included in a mutual accountability framework between the Government and the international community to facilitate the allocation of international support to clearly defined national goals. A mechanism for donor coordination, under national leadership, should facilitate the coherence of support. As a first step, the Government needs to articulate needs and define its funding strategy, including from domestic resources. Indicators of effective coordination of international support may include evidence that the Government engages with donors and partners in a transparent and predictable manner, thus building confidence and sustaining international support for its reform programme.

Follow-up action

This high-level dialogue on building support for key security sector reform priorities in the Central African Republic has confirmed the importance of creating a dedicated space for exchanging and discussing the most pressing challenges and opportunities for security sector reform in countries emerging from conflict. For the purpose of contributing to the implementation of immediate security sector reform priorities as the basis for sustaining peace and enabling peacebuilding and recovery to take place in the Central African Republic, we commit ourselves to:

- Presenting this co-chairs' statement to the Security Council and the Peacebuilding Commission
- Presenting this co-chairs' statement to the Secretary-General of the United Nations for circulation to relevant United Nations agencies and departments
- Requesting that the co-chairs of the high-level dialogue receive a detailed report of the event, including the expert-level discussions
- Encouraging the use of the observations contained in the present document to inform the development of a comprehensive support plan for security sector reform in the Central African Republic to be presented at the upcoming donors' conference in Brussels
- Convening a discussion of the Group of Friends of Security Sector Reform to follow up on the status of the recommendations contained herein, to ensure continued support to the security sector reform process in the Central African Republic by the international community
- In keeping with Security Council resolution 2151 (2014), we encourage the Secretary-General to provide comprehensive reporting on security sector reform implementation, taking into account the specific objectives and indicators discussed, and in particular to bring to the attention of the Council any developments that may undermine prospects for their fulfilment, as those may contribute to heightening the risk for relapse into conflict.

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Seventieth session
Agenda item 35
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Seventy-first year

Identical letters dated 17 August 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the second quarterly report (for the period April-June 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia.

I should be grateful if you would have the present letter and its annex circulated as an official document of the seventieth session of the General Assembly, under agenda item 35, and of the Security Council.

(*Signed*) Kaha **Imnadze**
Ambassador
Permanent Representative

16-14571 (E) 290816

Please recycle

Annex to the identical letters dated 17 August 2016 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Second quarterly report (for the period April-June 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia

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I. Introduction

Aims of the Report and Methodology Applied

1. In January 2015 the Ministry of Foreign Affairs of Georgia started preparation of quarterly reports aiming at assessing the human rights situation in the occupied regions of Georgia. The Ministry of Foreign Affairs of Georgia prepared four such reports in 2015. This is the second quarterly report of the Ministry of Foreign Affairs of Georgia for the year 2016 covering the period of April-June 2016. The Ministry of Foreign Affairs of Georgia will further continue the preparation of such reports on a quarterly basis. This reporting exercise aims to contribute to the provision of regular and updated information to the international community, to states as well as to international inter-governmental and non-governmental organizations, on the human rights situation in the occupied regions of Georgia.

2. As for the applied methodology, this reporting exercise consolidates and assesses existing information from various open sources, national and international, on violations of human rights in the occupied regions of Georgia. Due to limitations on its length, the report does not aim to collect/contain information on all cases of violations of human rights in the occupied regions of Georgia; it aims to consolidate and assess only some of the most known examples of violations. The methodology applied does not provide for the conduct of fact-finding visits to the occupied regions of Georgia, nor to the conduct of interviews. Therefore the methodology applied does not enable this reporting exercise to collect and produce new data on the human rights situation in the occupied regions of Georgia.

Responsibility of the Occupying Power for Human Rights Violations

3. The territories of two regions of Georgia — Abkhazia, Georgia and the Tskhinvali Region, Georgia are occupied by the Russian Federation. The Russian Federation as the occupying power, exercises effective control over Abkhazia, Georgia and the Tskhinvali Region, Georgia. These two regions still remaining under foreign military occupation, constitute above all dangerous "black holes" in terms of holding the violators accountable.

4. On 29 June 2016, at the 32nd Session of the UN Human Rights Council, "Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region" was made, which was initiated by Georgia and joined by 42 other countries.[1] According to the Joint Statement, "[t]he international community remains deeply concerned by the human rights and humanitarian situation in Georgia's regions of Abkhazia and the Tskhinvali Region/South Ossetia. We call for the full respect of the rights of members of the local population residing in both regions. To this extent it is of an utmost importance to assist international monitors in objective and independent reporting of the situation on the ground." The above document further states "[w]e are deeply concerned about the reports of kidnappings, illegal detentions, violation of property rights, restrictions on access to education in one's native language, movement and residence as well as the

[1] *List of Countries*: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, FYR of Macedonia, Germany, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Marshall Islands, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovenia, Spain, Sweden, Turkey, Ukraine, the UK, the USA.

continued discrimination on an ethnic basis. Here, we stress the importance of ensuring the ability of all forcefully expelled IDPs and refugees to return to their homes in both regions in a safe, dignified and voluntary manner."[2]

5. Occupation policy of the Russian Federation regarding the territory of Georgia deprives several hundreds of thousands of IDPs of their internationally recognized right to a voluntary, safe and dignified return to places of their permanent residence. It should be particularly emphasized here that on 10th June 2016, the United Nations General Assembly adopted a resolution recognizing "the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region/South Ossetia".[3]

6. On 4th May 2016, the Committee of Ministers' Deputies of the Council of Europe made a decision in which it once again recognized effective control of the Russian Federation in Abkhazia and Tskhinvali regions. Namely, in the above decision, the Committee of Ministers' Deputies "deeply regretted that, despite the attempts, neither the Commissioner for Human Rights of the Council of Europe, nor the Secretariat delegation in charge of preparing the Secretary General's consolidated reports have been granted access to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia; invited the Secretary General to engage in a dialogue with the Russian Federation and Georgia to this end; called on the Russian Federation to facilitate and grant unrestricted access to the territories beyond the control of the Georgian authorities to the existing bodies of the Council of Europe."[4]

7. In its decision, adopted on 4th May 2016, the Committee of Ministers' Deputies of the Council of Europe "called on the authorities exercising effective control: to guarantee and implement the right to education for everyone in schools and preschools, including education in the native language in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia; to create conditions allowing for the voluntary, safe and dignified return of IDPs and refugees, including through protecting their right to property and securing effective remedy; to remove any impediment, restriction or limitation to the right to freedom of movement across the administrative boundary lines and to prevent arbitrary detention of persons, including in the context of so called "illegal border crossing"; to ensure that the population living in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia are not prevented or deterred by discriminatory rules from holding Georgian passports; to conduct an independent and effective investigation of all allegations of human rights violations."[5] It should be noted here that according to the same document, "Georgia as the only sovereign state under international law over its

[2] *Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region*, 32nd Session of the UN Human Rights Council, 29 June 2016.

[3] *Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia*, A/RES/70/265, paragraph 1.

[4] *The Council of Europe and the conflict in Georgia*, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 8.

[5] *The Council of Europe and the conflict in Georgia*, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 7.

regions of Abkhazia and Tskhinvali region/South Ossetia, is currently prevented from exercising legitimate effective control over these regions."[6]

8. The occupying power, exercising effective control, has been preventing numerous international organizations, including humanitarian, from entering Abkhazia, Georgia and the Tskhinvali Region, Georgia. On 27th April 2016, "EU Statement on the Secretary General's 13th Consolidated Report on the conflict in Georgia"[7] was made at 1254th Council of Europe Committee of Ministers Meeting. According to this statement, "The EU regrets that its Monitoring Mission [EUMM] does not have access to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia". According to the same statement, "[t]he EU will continue to support a wide range of humanitarian, protection, development and other co-operation actions in the Georgian region of Abkhazia, in particular also with international and local NGO, in particular through Confidence-Building and Response Mechanism. The EU calls for unimpeded humanitarian access to the Georgian region of Tskhinvali region/South Ossetia, where similar actions are needed."[8]

9. It should be emphasized here that during the reporting period, namely in May 2016, the European Union Special Representative (EUSR) Ambassador Herbert Salber commissioned an independent Senior Expert, Mr. Thomas Hammerberg, to assess the human rights situation in Abkhazia, Georgia.[9] This initiative is based on humanitarian considerations and is in line with EU's non-recognition and engagement policy; it is launched under the human rights component of the EUSR's mandate.[10] According to the agreed modalities, Senior Expert, Mr. Thomas Hammerberg will prepare a report for the EUSR in the beginning of the autumn 2016, based on several study visits to Tbilisi, Zugdidi, Sokhumi and Gali.[11] It should be noted here that the above initiative does not imply a regular mandate and that it does not aim to assess the human rights situation in Tskhinvali region, Georgia.

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[6] *The Council of Europe and the conflict in Georgia*, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 3.

[7] *Consolidated Report on the Conflict in Georgia*, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14.

[8] *EU Statement on the Secretary General's 13th Consolidated report on the conflict in Georgia*, 1254th Council of Europe Committee of Ministers Meeting — 27 April 2016.

[9] *Foreign Minister met Thomas Hammerberg — Murder Committed on 19 May as one of the Main Topics*, "Medianews", 18 June 2016, available at <http://medianews.ge/ge/19maissmomkh darimkvlelobaert-ertimtavaritema-sagareosaqmetaministritomashamerbergsshekhvda/5834>; *Weekly press review on the human rights violations and current events in Abkhazia*, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 10 May and 15 May 2016, p. 8.

[10] *Vakhtang Kolbaia met with Thomas Hammerberg, Independent Expert on Human Rights*, "Government of Autonomus Republic of Abkhazia", 10 May 2016, available at <http://abkhazia.gov.ge/index.php?lang_id=GEO&sec_id=36&info_id=7216>.

[11] *Weekly press review on the human rights violations and current events in Abkhazia*, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 6 June and 12 June 2016, p. 15.

Occupation Line and Installation of Barbed Wire Fences and New Banners/Signposts

10. The occupation line along the administrative boundary line (ABL) with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories. Since January 2013 the Russian occupation forces intensified the process of the installation of razor wire and barbed wire fences and other artificial obstacles along the occupation lines in Abkhazia and the Tskhinvali Region. Currently, the total length of artificial barriers along the occupation line in Tskhinvali Region is nearly 51 km. Razor and barbed wire fences cover a stretch of more than 12 km in the Abkhazian region.

11. In its decision, adopted on 4th May 2016, the Committee of Ministers' Deputies of the Council of Europe "regretted that despite the continued calls upon the Russian Federation to reverse the process of installation of artificial obstacles along the administrative boundary lines which divide families and communities and violate human rights and fundamental freedoms, it continues this process through various means, including by installing new demarcation signposts."[12]

12. According to "Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region", adopted on 29 June 2016 at the 32nd Session of the UN Human Rights Council, "[w]e also note with profound concern the continued unacceptable process of "borderization" along the Administrative Boundary Lines and ongoing installation of barbed wire and razor wire fences, which significantly affect the livelihoods of residents, divide families, prevent people-to-people contacts, isolate the local population and sever remaining ties between the communities torn apart by the conflict."[13]

13. During the reporting period, namely on 6th June, 2016 the Russian occupying forces installed two additional banners marking the so-called "state border" on the territory adjacent to the occupied Tskhinvali Region, namely in the vicinity of the village of Avlevi, Kareli district, thus leaving plots of lands of several local farmers beyond new markers.[14] The agricultural plots of lands which are now beyond new markers are belongings of local families and they were used by them for farming.[15] According to locals, they will no longer be able to have access to their plots of lands.[16] The installation of two additional banners marking the so-called "state

[12] *The Council of Europe and the conflict in Georgia*, decision of the Committee of Ministers' Deputies of the Council of Europe, 1255th Meeting (4 May 2016), paragraph 4.

[13] *Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region*, 32nd Session of the UN Human Rights Council, 29 June 2016.

[14] *Near Avlevi Village Armed Persons Installed Banners of so called State Border*, "Kvira.ge", 8 June 2016,available at <http://kvira.ge/%E1%83%A1%E1%83%9D%E1%83%A4%E1%83%94%E1%83%9A-%E1%83%90%E1%83%95%E1%83%9C%E1%83%94%E1%83%95%E1%83%98%E1%83%A1-%E1%83%92%E1%83%90%E1%83%9C%E1%83%90%E1%83%9E%E1%83%98%E1%83%A0%E1%83%90%E1%83%A1/>; *Georgian President met Johannes Hahn*, "Medianews", 9 June 2016, available at <http://medianews.ge/ge/afkhazetsadatskhinvalshiusafrtkheobisadahumanitarulisituatstasakmaodmdzimea-giorgikvirikashvili/5247>.

[15] *Russian Border Guards Installed New Banners near the Village of Avlevi*, "IPN", 8 June 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/383443-sofel-avlevis-ganapiras-shetaraghebulma-pirebma-etssazghvris-aghmnishvneli-banerebi-daamontazhes.html?ar=A>.

[16] *Russia is Continuing the Process of Borderisation*, "GHN", 8 June 2016, available at <http://ghn.ge/com/news/view/154618>.

border" cuts around ten hectares from the territory controlled by the central government of Georgia.[17]

New so called "Laws"

14. During the reporting period, namely on 1st April 2016, so called "law on legal status of foreign citizens in Abkhazia" and "law on entry and exit of Abkhazia" became operational. Similar document was adopted by the Tskhinvali occupation regime, namely so called "law on legal status of foreigners in the Republic of South Ossetia". Adoption of so called "laws" in many ways target the ethnic Georgian population living in the occupied territories. The Ministry of Foreign Affairs of Georgia expresses its serious concern on the adoption of new discriminatory regulations for ethnic Georgians living in the occupied regions of Georgia. There is threat that this so called "laws" can become ground for another wave of ethnic cleansing.

15. So called "law on legal status of foreign citizens in Abkhazia" aims to qualify ethnic Georgians, living in the region of Abkhazia, into a category of "foreign citizens" and to discriminate against them in many ways. Many ethnic Georgians living in Abkhazia, predominantly in Gali district, hold Georgian citizenship that qualifies them into the category of "foreigners" under the so called "law on legal status of foreign citizens in Abkhazia" and therefore puts limitation on their human rights including on the freedom of movement, the right to property and labour rights. Under this so called "law" ethnic Georgians holding Georgians citizenship are deprived possibility to obtain residence permits and respective restrictive clauses prepared "legal" ground for persecution of ethnic Georgian families. During the reporting period, namely on 1st April 2016, the Public Defender of Georgia published "the Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia — 2015". According to this report, the adopted "regulations" will directly affect the population in Gali district; it is likely that many residents fail in meeting requirements of so called "Abkhazian citizenship", even the criteria of obtaining the residence permits and therefore may be forced to leave the place of permanent residence.[18]

16. By the adoption of so called "law on entry and exit of Abkhazia", the decision has been made to introduce visas for states (a) not recognizing so called "independence of Abkhazia" and (b) not having a "bilateral agreement" of visa free travel. Under this so called "law" any person can exit Abkhazia, however only so called "citizens of Abkhazia" can enter Abkhazia without additional formalities. It should be noted that a foreign citizen or a person without citizenship can be expelled from the territory of occupied Abkhazia if that person poses a threat to defence and security or to public order. It should be emphasized that this so called "law", creates additional obstacles to representatives of international organizations leading to further isolation of the region.

[17] *Russian Border Guards Installed New Banners in Kareli District*, 8 June 2016, available at <http://news.yitube.ge/index.php?page=single&id=43193&posttitle=qarelis_raionshi_rusma_mesazRvrechma_axali_baneri_daamontaJes>.

[18] *The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia — 2015*, "Public Defender (Ombudsman) of Georgia", 1 April 2916, p. 123, available at <http://www.ombudsman.ge/uploads/other/3/3652.pdf>.

17. According to "EU Statement on the Secretary General's 13th Consolidated Report on the conflict in Georgia", made on 27th April 2016, "[t]he EU is deeply concerned about so-called laws "on the legal status of foreign citizens" and "on exit and entry", which recently entered into force. These so-called laws further enhance previous illegal activities of "borderization" that divide families and communities and is in breach of international law. It creates additional significant impediments for the people on the ground, depriving them from fundamental rights, including freedom of movement and property rights. We insist on a repeal of these so-called laws to ensure that local population is not discriminated on ethnic basis and once again call for removal of the fences and other obstacles to the freedom of movement, prevention of arbitrary detention of persons, including in the context of so called border crossing."[19]

New Wave of so called "Passportisation"

18. The adoption of the above-mentioned so called "laws" by the occupation regimes of Sokhumi and Tskhinvali is directly linked to the new illegal wave of "passportization" in the occupied territories.

19. According to the information disseminated during the reporting period, distribution of so called "Abkhazian passports" is planned from 10th July 2016.[20] It should be recalled here that the process of so called "passportisation" in the occupied Abkhazia implies procession and distribution of 300 thousand new documents — 250 thousand so called "passports" and 50 thousand so called "residence permits". All 300,000 documents were already processed in the Russian Federation by "Goznak" and their distribution was postponed several times.

20. The purpose of so called "passportisation" in the occupied Abkhazia is to classify the population into categories of "citizens of Abkhazia" and "foreign citizens". Those residents of Abkhazia that are not citizens of Georgia, will be eligible to obtain so called "Abkhazian passports". It should be recalled here that in 2014, so called "parliament" of the Sokhumi occupation regime adopted so called "decree" by which it annulled so called "Abkhaz passports" of around 25,000 ethnic Georgians living in Abkhazia, predominantly in Gali district.[21] According to the information disseminated during the reporting period, "General Prosecutor" of the Sokhumi occupation regime declared that these "passports" were issued illegally and therefore are void.[22] According to the information disseminated on 12th April 2016, investigation by so called "Prosecutor's Office" of the Sokhumi occupation regime compiled around 500 volumes of materials on improper passport issuance

[19] *EU Statement on the Secretary General's 13th Consolidated report on the conflict in Georgia*, 1254th Council of Europe Committee of Ministers Meeting — 27 April 2016.

[20] *Dzapsha: New Abkhazian Passports will be Distributed from 10th July*, "Apsny", 20 June 2016, available at <http://apsny.ru/news/?ID=22876>; As for occupied Tskhinvali region, in June 2015, the Tskhinvali occupation regime began accepting applications for so called "South Ossetian passports," which required individuals renounce their Georgian citizenship.

[21] *The Realm of the Possible — Finding ways forward in the Georgian-Abkhaz context: People in the Gal'i region*, Conciliation Resources, July 2015, pages 4 and 5, available at <http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webEn.pdf>.

[22] *In General Prosecutor's Office around 500 volumes of materials were compiled on passport issuance in Gali district and more than 200 volumes were compiled on passport issuance in Tkvarcheli district*, "Apsnypress", 12 April 2016, available at <http://www.apsnypress.info/news/v-genprokurature-sobrano-poryadka-500-tomov-materialov-pasportnogo-dela-po-galskomu-rayonu-i-svyshe-/>.

only in Gali district.[23] Nowadays it has become evident that "Abkhaz passports" of 25,000 ethnic Georgians were cancelled in order to give to ethnic Georgians the status of "foreign citizens" that implies lots of restrictions on their human rights.

21. Since the commencement of distribution of so called "Abkhazian passports" is planned from 10th July 2016, the real impact of so called "passportisation" on ethnic Georgians residing in the occupied Abkhazia will become obvious from the above date. On the other hand, the implementation of so called "passportisation" from July 2016 is undoubtedly a precondition for the factual realization of the adopted so called "laws" on legal status of foreigners and on entry and exit. According to the information disseminated during the reporting period, it is planned to adopt around 40 so called "by-laws" in order to carry out this so called "passportisation".[24] Undoubtedly, this so called "passportisation" in the occupied Abkhazia and the Tskhinvali region may result in a situation where individuals, not eligible to so called new "passports" or so called new "residence permits", face more complications regarding the right to property and the freedom of movement across the occupation line. Ethnic Georgians residing in the occupied region of Abkhazia have all grounds to be concerned about such perspective; status of a "foreigner" can at least restrict their right to property and deteriorate prospects of movement across the occupation line and, in the worst case, become ground for another wave of ethnic cleansing.

II. Right to Life

22. The existing grave human rights situation in the occupied regions of Georgia was proved once again by the act of murder of Mr. Giga Otkhozoria, a 30-year-old resident of Gali district, committed on 19 May 2016 by so called "border guards" deployed along the occupation line. The murder was committed in the village of Khurcha, Zugdidi district, located in the territory controlled by the central government of Georgia.

23. CCTV footage of arbitrary deprivation of life of Mr. Giga Otkhozoria was released on 20th May 2016 (available at <https://www.youtube.com/watch?v=_lAGeGa_MvU>). Mr. Giga Otkhozoria was killed by several shots. The murderer was acting with its accomplices. The murderer of Mr. Giga Otkhozoria has been identified — Mr. Rashid Kanciogli.

24. On 19th May 2016, the Ministry of Foreign Affairs of Georgia issued a statement "concerning the fact of murder committed in the village of Khurcha, Zugdidi District, on May 19, 2016." According to the statement "this criminal act once again demonstrates the highly alarming situation in the occupied region of Abkhazia, Georgia and the full responsibility for it lies with the Russian Federation

[23] *In General Prosecutor's Office around 500 volumes of materials were compiled on passport issuance in Gali district and more than 200 volumes were compiled on passport issuance in Tkvarcheli district*. "Apsnypress", 12 April 2016 available at <http://www.apsnypress.info/news/v-genprokurature-sobrano-poryadka-800-tomov-materialov-pasportnogo-dela-po-galskomu-rayonu-i-svyshe-/>.

[24] *Shamba: Ministry of Interior of Abkhazia should retain the function of distribution of passports*, "Apsny", 26 May 2916, available at <http://apsny.ru/news/?ID=22318&PAGEN_1=5>.

as with the power in effective control of the region."[25] The Ministry of Foreign Affairs of Georgia further stated that "the abovementioned criminal act clearly reaffirms the need of establishing international security mechanisms and of unhindered and continuous access of international human rights monitoring mechanisms in the occupied Abkhazia and Tskhinvali regions."[26]

25. On 20 May 2016, the European Union Monitoring Mission in Georgia (EUMM) made the following statement "EUMM can confirm the fatal shooting of a local man on 19 May at the Khurcha-Nabakevi crossing point on the Administrative Boundary Line. According to a preliminary assessment based on local witnesses, armed security actors from the Abkhaz side of the bridge crossed over to Tbilisi Administered Territory (TAT) and carried out the shooting."[27]

26. The international community reacted immediately to this blatant violation of the right to life. For example, on 21st May 2016, U.S. Embassy in Georgia made the following statement "[t]he United States condemns the fatal shooting of an unarmed man in the village of Khurcha, close to the Nabakevi Crossing Point on the Administrative Boundary Line (ABL). We extend our condolences and deepest sympathies to the family of the deceased and urge that a thorough and prompt investigation take place immediately and that those responsible for this tragedy be held accountable."[28] On 23rd May 2016, British Ambassador to Georgia Alexandra Hall Hall commented on incident in village Khurcha: "I am shocked and deeply saddened at the fatal shooting of Giga Otkhozoria on Thursday night in the village of Khurcha. I offer my deepest condolences to Mr Otkhozoria's family and friends. It is vital that those responsible are brought to justice and calm restored."[29] On 24th May 2016, Ms. Anna Fotyga, Chair of the Subcommittee on Security and Defence (SEDE) of the Committee on Foreign Affairs of the European Parliament stated that "a very disturbing incident took place on the ABL with Abkhazia, where a Georgian citizen was killed allegedly by the separatist Abkhaz "border guards". I

[25] *Statement by the Ministry of Foreign Affairs of Georgia concerning the fact of murder committed in the village of Khurcha, Zugdidi District*, on May 19, 2016, 19 May 2016, available at <http://www.mfa.gov.ge/News/%E1%83%A1%E1%83%90%E1%83%92%E1%83%90%E1%83%A0%E1%83%94%E1%83%9D-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%9B%E1%83%94%E1%83%97%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%98%E1%83%9C%E1%83%98%E1%83%A1%E1%83%A2%E1%83%A0%E1%83%9D%E1%83%A1-%E1%83%92%E1%83%90%E1%83%9C%E1%83%AA%E1%83%AE%E1%83%90%E1%83%93%E1%83%94%E1%83%91%E1%83%90-2016-%E1%83%AC%E1%83%9A%E1%83%98%E1%83%A1-1.aspx?CatID=5&lang=en-US>.

[26] *Ministry of Foreign Affairs published the First Quarterly Report for 2016 on the Human Rights Situation in the Occupied Regions of Georgia*, 6 June 2016, available at <http://www.mfa.gov.ge/News/%E1%83%A1%E1%83%90%E1%83%92%E1%83%90%E1%83%A0%E1%83%94%E1%83%9D-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%9B%E1%83%94%E1%83%97%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%98%E1%83%9C%E1%83%98%E1%83%A1%E1%83%A2%E1%83%A0%E1%83%9D%E1%83%9B-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%94%E1%83%9A%E1%83%9D%E1%83%A1-%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%98%E1%83%A0-(1).aspx?CatID=5>.

[27] *EUMM Statement on the Incident in Khurcha*, 20 May 2016, available at <https://www.eumm.eu/en/press_and_public_information/press_releases/5416/?year=2016&month=8>.

[28] *U.S. Embassy Statement on Fatal Shooting of an Unarmed Man in the Village of Khucrha*. 21 May 2016, available at <http://georgia.usembassy.gov/news-events/emb_news2016t/21052016statement.html>.

[29] Available at <https://www.facebook.com/ukingeorgia/posts/1222950887723010>.

strongly condemn the crime and call for the Georgian authorities to conduct an investigation and bring the perpetrators to justice."[30] According to "Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region", adopted on 29 June 2016 at the 32nd Session of the UN Human Rights Council, "the recent killing of a Georgian citizen by the so-called "border-guards" has further escalated the situation."[31]

27. It should be emphasized that the Prosecutor's Office of Georgia filed charges against Mr. Rashid Kanciogli for the premeditated murder of Mr. Giga Otkhozoria and criminal prosecution was launched under the Criminal Code of Georgia.[32] However Mr. Rashid Kanciogli and his accomplices fled to the occupied territory of Abkhazia immediately after the shooting (as clearly depicted on the CCTV footage) and therefore under these circumstances it is impossible for Georgia's Prosecutor's Office as well as for the courts of common jurisdiction of Georgia to deliver justice. On 20 May 2016, the Ministry of Foreign Affairs of the Russian Federation commented on the issue and declared that the Russian Federation has no connection to the act of murder of Mr. Giga Otkhozoria.[33] The above situation with regard to the violation of the right to life of Mr. Giga Otkhozoria once again demonstrates that the occupied territories of Georgia remain "black holes" in terms of holding the violators of human rights accountable. The above situation further reaffirms the need of immediate, unhindered and continuous access of international human rights monitoring mechanisms in the occupied territories of Georgia.

28. On 6th June 2015, Mr. Giorgi Kvirikashvili, the Prime Minister of Georgia made the following statement on the issue "more than 2 weeks have passed since the vicious crime that appalled all of us. Unfortunately, till this very moment we have not received information concerning the detention of the murderer of Giga Otkhozoria. It is outraging that this tragic fact has undermined the positive results attained throughout the confidence building process. Moreover, continuation of meetings within the frames of Incident Prevention and Response Mechanism becomes increasingly challenging. This fact will also hamper the dialogue under the umbrella of Geneva talks till the representatives of de facto Abkhaz Government remain stagnant in terms of detention of the murderer of Giga Otkhozoria. We consider Gali Incident Prevention and Response Mechanism to be a result of hard work. During the last meeting held within the frames of the said format our representatives handed all materials to the participants of the meeting, but unfortunately the result has not been attained yet. In the given case there is a risk that the murderer will be liquidated. Moreover, the party directly interested in the disruption of the confidence building process may accomplish this. Hence, we

[30] *I am concerned with the latest developments in Georgia — Anna Fotyga*, "IPN", 24 May 2016, available at <http://www.interpressnews.ge/en/politicss/78564-i-am-concerned-with-the-latest-developments-in-georgia-anna-fotyga.html?ar=A>.

[31] *Joint Statement on the Human Rights and Humanitarian Situation in Georgia's Regions of Abkhazia and the Tskhinvali Region*, 32nd Session of the UN Human Rights Council, 29 June 2016.

[32] *The Prosecutor's Office Launches Criminal Proceedings on the Murder of Giga Otkhozoria*, "Prosecutor's Office of Georgia", 21 May 2016, available at <http://pog.gov.ge/eng/news?info_id=932>.

[33] *Comment of the Department for Information and Publishing of the MFA of Russia in connection to the incident on Georgian-Abkhazian Border*, "MFA of the Russian Federation", 20 May 2016, available at <http://www.mid.ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2288092>.

believe that much is at stake! We are facing enormous risks. The sole rational and correct action is to immediately arrest the murderer even within the frames of unilateral tools employed by de facto Abkhaz Government that we do not recognize. Of course, within the frames of Gali meeting we demanded prompt arrest of the criminal, but representatives of de facto Government of Abkhazia immediately linked this issue to the question of their status and referred to the nonexistence of the relevant legislative framework. Due to the urgent character of the issue we consider the arrest of the criminal to be vitally important. The confidence between the Georgians and the Abkhazians should be restored. Exemption from punishment of the perpetrator of such a violent crime will only open wounds. This only serves the interest of enemies of the Georgians and the Abkhazians. Therefore, we need a cool head approach to reintegrate this deadlock situation with joint efforts."[34]

III. Arbitrary Detention

29. The Russian FSB officers regularly carry out arbitrary detention for so called "illegal border crossing" along the occupation lines with Abkhazia and Tskhinvali regions. Detention period can last several days or several months, in some cases several years. It should be emphasized that on 29th April 2016, Mr. Dimitri Iudin, General-Major, "Chief of the Russian FSB Border Guards in Abkhazia" publicly declared that for the last seven years the Russian FSB officers detained 14,000 people for so called "illegal border crossing" and more than 2,000 people were detained for so called "violation of border regime".[35]

30. During the reporting period numerous cases were reported on arbitrary detention in the occupied regions of Georgia. Below are only few examples.

31. On 14th April 2916, 5 citizens of Georgia were detained by the Russian FSB officers for so called "illegal border crossing" nearby of the occupation line with Tskhinvali region. All detainees were transported to the direction of Tskhinvali.[36]

32. On 23rd April 2016, a 17-year-old resident of the village of Tsitelubani, Gori district, was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region. The resident of the village of Tsitelubani was in pasture fields for cattle grazing, however he did not cross the occupation line. The Russian FSB officers entered the territory controlled by the central government of Georgia and abducted him to the occupied Tskhivali region.[37]

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[34] *Statement of the Prime Minister concerning the murder of Giga Otkhozoria in village of Khurcha*, 6 June 2016, available at <http://gov.ge/index.php?lang_id=ENG&sec_id=440&info_id=56007>.

[35] *The Russian FSB Border Guards Service in Abkhazia commemorates 7th anniversary from its establishment*, "apsnypress", 29 April, 2016, available at <http://www.apsnypress.info/news/pogranupravlenie-fsb-rossii-v-abkhazii-prazdnuet-sedmuyu-godovshchinu-so-dnya-obrazovaniya/>.

[36] *5 Citizens of Georgia detained in "South Ossetia"*, "Timer", 18 April 2016, available at <http://www.timer.ge/okupirebul-samkhreth-osethshi-saqarthvelos-khuthi-moqalaqe-daakaves/>.

[37] *A 17-year-old youngster was abducted from the village of Tsitelubani*, "Ambebi", 23 April 2016, available at <http://www.ambebi.ge/samartali/161977-sofel-tsithelubnidan-17-tslis-akhalgazrda-gaitaces.html>.

33. On 20th April 2016, around 10 residents of Gali district were detained by the Russian FSB officers along the occupation line with Abkhazia for so called "illegal border crossing". All detainees were immediately transported by the Russian FSB officers to so called Gali detention centre. Among the detainees there were several minors. The Russian FSB officers detained these individuals on the suspicion that they were residents of Zugdidi, located on the territory controlled by the central government of Georgia. However, after a while all detainees were released.[38]

34. On 13th May 2016, 9 residents of the village of Korbouli, Sachkhere district, were detained by the Russian FSB officers for so called "illegal border crossing" while they were harvesting "jonjoli".[39] All detainees were transported to the Tskhinvali detention centre.[40]

35. On 19 May 2016, in the village of Speti, Sachkhere municipality, 4 residents were detained in their village for so called "illegal border crossing". These 4 persons were transporting honey bee boxes in their village, in the vicinity of the occupation line, when they were detained.[41]

36. On 1st June 2016, a 65-year-old resident of the village of Kere, Gori district was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region. The detainee did not cross the occupation line; the Russian FSB officers entered the territory controlled by the central government of Georgia and abducted him to the direction of Tskhinvali.[42]

IV. Freedom of Movement

37. Restrictions on freedom of movement remains issue of concern that has been attested by the various sources made available in the reporting period. Below are only few examples.

38. On 15th April 2016, "Tagiloni" crossing point along the occupation line with Abkhazia was closed. It was operating on a bridge over the River Enguri along the

[38] *Russian Militaries released 10 people detained near Khurcha*, "Smoge", 20 April 2016, available at <http://www.smoge.org/rusma-samkhedroebma-khurchis-sazghvarthan-dakavebuli-athi-adamiani-daukhonebliv-gaathavisupla/>.

[39] May is the month for the "Jonjoli" harvest in Georgia. "Jonjoli" or bladdernut is a shrub that grows wild in areas adjacent to the occupation line. "Jonjoli" is used for cooking in Georgia and is sold in markets; it constitutes the main source of income for some people living in villages.

[40] *Russian Militaries detained 9 persons*, "Kvira", 13 May 2016, available at <http://kvira.ge/%E1%83%A0%E1%83%A3%E1%83%A1%E1%83%9B%E1%83%90-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%AE%E1%83%94%E1%83%93%E1%83%A0%E1%83%9D%E1%83%94%E1%83%91%E1%83%9B%E1%83%90-%E1%83%A1%E1%83%90%E1%83%A5%E1%83%90%E1%83%A0/>.

[41] *Ossetian Militaries detained in the village of Speti 4 residents of the village*, "Kvira", 20 May 2016, available at <http://kvira.ge/%E1%83%9D%E1%83%A1%E1%83%9B%E1%83%90-%E1%83%A8%E1%83%94%E1%83%98%E1%83%90%E1%83%A0%E1%83%90%E1%83%A6%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%9B%E1%83%90-%E1%83%9E%E1%83%98%E1%83%A0%E1%83%94%E1%83%91/>.

[42] *A 65-year-old resident of the village of Kere was abducted by occupants*, "Newpost", 1 June 2016, available at<http://www.newposts.ge/?l=G&id=109982-%E1%83%92%E1%83%90%E1%83%A2%E1%83%90%E1%83%AA%E1%83%94%E1%83%91%E1%83%90,%20%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98>.

occupation line with Abkhazia.[43] After the closure of "Tagiloni" crossing point, five other crossing points remain operational along the occupation line with Abkhazia.[44] It was declared on 15th April 2016 by a representative of Sokhumi occupation regime that gradually all remaining crossing points along the occupation line with Abkhazia would be closed except the main one — "Enguri" crossing point. It was recalled by the same representative of Sokhumi occupation regime that closure of all operational crossing points, except the main one, was the pre-electoral campaign pledge of the team of Mr. Khajimba.[45] It should be emphasized that on 18th April 2016, Mr. Dimitri Iudin, Chief of the Russian FSB Border Guards in the Abkhazian region personally reported to Mr. Khajimba on the demolition by the Russian FSB officers of "Tagiloni" crossing point bridge and on the planned construction of a fence on the vicinity of the former "Tagiloni" crossing point.[46] According to some reports, the closure of "Tagiloni" crossing point deteriorated the already grave situation for local residents.[47]

39. On 29th June 2016, Mr. Khajimba, when visiting villages of Gali district, publicly declared that "the decision had been made to close down additional crossing points over the River Enguri and to boost border and customs services on "Enguri" crossing point".[48]

40. In an interview Mr. Dimitri Stateionov, a Russian journalist working in the occupied region of Abkhazia declared that in the Abkhazian region there are "border zones" in the vicinity of the occupation line and there are limitations on freedom of movement for people residing in the Abkhazian region in terms of entering these territories; there is a need to have special "permit" issued by so called "State Security Service of Abkhazia" in order to enter these "border zones". According to the journalist, violation of this regime is followed by detention by the Russian FSB officers as it was case with himself when paying professional visit in one of the villages in Gali district considered as "border zone".[49]

41. It should be emphasized that during the reporting period, namely during the Orthodox Easter holiday on 1st and 2nd May 2016, Georgians living the different sides of razor wire and barbed wire fences along the occupation line were denied the

[43] *Along the Border between Abkhazia and Georgia one of the five bridges is closed*, "Sputnik-Abkhazia", 15 April 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20160415/1017933767.html>.

[44] *Crossing Point was closed on so called Tagiloni-Shamgoni border*, "Livepress", 18 April 2016, available at <http://www.livepress.ge/ka/akhali-ambebi/article/14446.html>.

[45] *Along the Border between Abkhazia and Georgia one of the five bridges is closed*, "Sputnik-Abkhazia", 15 April 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20160415/1017933767.html>.

[46] *President Raul Khajimba met with Dimitri Iudin, General-Major*, Chief of the Russian FSB Border Guards in Abkhazia, "apsnypress", 18 April 2016, available at <http://www.apsnypress.info/news/raul-khadzhimba-prinyal-nachalnika-pogranupravleniya-fsb-rossii-v-abkhazii/>.

[47] *Weekly press review on the human rights violations and current events in Abkhazia*, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 18 April and 23 April 2016, p. 4.

[48] *President Raul Khajimba visited on working tour Gali district*, "Apsnypress", 29 June 2916, available at <http://www.apsnypress.info/news/prezident-raul-khadzhimba-posetil-s-rabochey-poezdkoy-galskiy-rayon/>.

[49] *Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia*, between 18 April and 23 April 2016, pp. 4-7.

right to celebrate Easter according to the established tradition. According to the Women's Information Center (WIC) "colored eggs, cake and a bottle of communal wine are traditional for Easter in Georgia. We wanted to bring these special items to the Valishvili family and remind them that they are not alone. Of course, the Russian military personnel don't like when they have Georgian 'guests' gathering at the barbed wire fence." It has been further noted that by WIC that "dozens of cemeteries and historic churches are separated from their villages after the Russians installed barbed wire fences along the Administrative Boundary Line after the 2008 war."[50] During the Orthodox Easter holiday internally displaced persons (IDPs) were deprived the possibility to visit churches and graveyards on the other side of the occupation line.[51]

V. Right to Property

42. Violations of the right to property occur systematically in the occupied regions of Georgia attested by the various sources made available in the reporting period. It should be noted that according to the information disseminated by "the Peace Foundation" on 11th May 2016, the Russian occupying forces exert influence on local population through various means, including through destruction/burning of their properties.[52] It should be emphasized that during the reporting period the United Nations General Assembly adopted a resolution stressing "the need to respect the properly rights of all internally displaced persons and refugees affected by the conflicts in Georgia and to refrain from obtaining property in violation of these rights".[53]

43. As already described in section "introduction" of the present report, during the reporting period, namely on 6th June, 2016 the Russian occupying forces installed two additional banners marking the so-called "state border" in the vicinity of the village of Avlevi, Kareli district. By the installation of these new banners agricultural plots of lands being in private possession of local residents appeared beyond new markers and access to these lands was blocked for them.[54]

44. On 10th May 2016, a person was travelling from the territory controlled by the central government of Georgia through a crossing point along the occupation line with Abkhazia. At the crossing point, the person was stopped and a certain amount

[50] *Easter a Melancholy Affair for Those Divided By Russian-built S. Ossetian Border Fence*, "Georgian Journal", 4 May 2016, available at <http://www.georgianjournal.ge/politics/32479-easter-a-melancholy-affair-for-those-divided-by-russian-built-s-ossetian-border-fence.html>.

[51] *IDPs from the occupied territories were deprives possibility to visit graveyards on the other side of so called border*. "Ambebi", 2 May 2016, available at <http://www.ambebi.ge/conflicts/162584-okupirebuli-teritoriebidan-devnil-mosakhleobas-ets-sazghvris-mighma-darchenili-saflavebis-monakhulebis-sashualeba-ar-micca.html>.

[52] "The Peace Foundation", 11 May 2016, available at <https://www.facebook.com/ThePeaceFoundationHQ/photos/ms.c.eJxFzcERwCAIRNGOMsKyq~;TfWAyOxJtvPmAORMYMaSFcjxUQ~;gG0LpAFwQvKMUxSA9epvIvvI~;tdiAS4p3op7FzJ~;2wV6KWBKjgbWIX7C9DiJbg~~.bps.a.1233493623350205.1073741910.1076144122418490/1233494746683426/?type=3&thea>.

[53] Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia. A/RES/70/265, paragraph 2.

[54] *Russian Border Guards installed new Banners near the village of Avlevi*, "IPN", 8 June 2016, available at <http://www.interpressnews.ge/ge/konfliqtebi/383443-sofel-avlevis-ganapiras-sheiaraghebulma-pirebma-etssazghvris-aghmnishvneli-banerebi-daamontazhes.html?ar=A>.

of vegetables he was transporting was seized and thrown away. On the same day, all people transporting various agricultural products of Turkish origin to occupied Abkhazia from Zugdidi market, the territory controlled by the central government of Georgia, were stopped and all products seized.[55]

45. On 11th May 2016, a truck travelling from the territory controlled by the central government of Georgia was stopped at the occupation line with Tskhinvali region. The truck and its cargo (construction sand) belonged to residents of the village of Zardiantkari, Gori district, the territory controlled by the central government of Georgia. The truck and the cargo (construction sand) were seized for so called "illegal border crossing".[56]

46. On 30th June 2016, a vehicle travelling from the territory controlled by the central government of Georgia was stopped at the occupation line with Tskhinvali region. The car was transporting agricultural products amounting to 850 kilograms. The car and agricultural products belonged to a resident of Akhalgori district, the occupied territory of Tkshinvali region. 850 kilograms of agricultural products were seized for the reason of "exceeding the amount of allowable transportable products (maximum 50 kilograms)" along the occupation line and the fine was imposed.[57]

VI. Right to Education in the Native Language

47. According to the EU Statement on the Secretary General's 13th Consolidated Report on the conflict in Georgia, made on 27th April 2016, "The EU expresses its concern at reports on a continuing deterioration of the access to education in the native language in the Georgian region of Abkhazia. We strongly believe that the right to education for everyone, including education in the native language should be guaranteed and applied in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia as well."[58]

48. According to the report of the Public Defender of Georgia, published during the reporting period, "switching to the teaching in Russian language seriously deteriorated the quality of education. According to the information of the Public Defender, some families had to leave their place of residence and had to move children in the area controlled by Georgia to continue their studies in their native language".[59]

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[55] *Georgian tomatoes and cucumbers cannot be transported to Abkhazia*, "Livepress", 10 May 2016, available at <http://www.livepress.ge/ka/akhali-ambebi/article/14622-afkhazethshiqarthulikitridapomidorivegharshcaqvth.html>.

[56] *Violators tried to bring from Georgia to South Ossetia construction sand*, "sputnik-ossetia", 11 May 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160511/1881085.html>.

[57] *Transporter of agricultural products was fined in South Ossetia*, "sputnik-ossetia", 30 June 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160630/2440886.html#ixzz4D9fBRKjJ>.

[58] *EU Statement on the Secretary General's 13th Consolidated report on the conflict in Georgia*, 1254th Council of Europe Committee of Ministers Meeting — 27 April 2016.

[59] *The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia — 2015*, "Public Defender (Ombudsman) of Georgia", 1 April 2916, p. 122, available at <http://www.ombudsman.ge/uploads/other/3/3652.pdf>.

49. It should be recalled here that in the Gali district there are 31 schools.[60] From 31 schools only 11 schools, all of which are in "lower zone" of Gali district, had the status of Georgian schools until the end of the academic year 2014-2015 and subjects were taught in the Georgian language.[61] However, from the beginning of September of the academic year 2015-2016, drastic changes were made in the curriculum of these 11 schools in "lower zone" of Gali district, namely at present all subjects are taught in the Russian language in the first four grade classes i.e. in first grade, second grade, third grade and fourth grade classes.[62] This policy, if continued for several years, will result in gradual replacement of the Georgian curriculum with the Russian curriculum for all grades in these 11 schools of "lower zone" of Gali district. According to the Public Defender of Georgia "in the nearest future studying in Georgian in the Gali district schools will stop."[63]

50. In addition, according to the information disseminated during the reporting period, already in five to seven grade classes the Russian language has been dominating over the Georgian language and in eight to eleven grade classes all subjects are taught in the Russian language and only two hours are allocated to the Georgian language and literature.[64]

51. On 5th June 2016, so called "Deputy Minister for Education" of the Sokhumi occupation regime declared that "all schools of Gali district will be transformed to the Abkhaz standards" and "it is necessary to cease process of the Georgian curriculum teaching".[65] According to the same source, "the main challenge is to prepare teachers for that, since many of them do not have adequate knowledge of

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[60] By the end of the academic year 2014-2015 there were 4, 459 pupils and 918 employees in these 31 schools; from 4,459 pupils, 97.57 per cent, were ethnically Georgian and from 918 employees, 91.78 per cent were ethnically Georgian. See *Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia*, between 27 July and 2 August 2015.

[61] *The Realm of the Possible — Finding ways forward in the Georgian-Abkhaz context: People in the Gal/I region*, Conciliation Resources, July 2015, page 10, available at <http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webEn.pdf>; *Report of the Year 2014 of the Public Defender of Georgia on the Situation of Rights of the Population Affected by the Conflicts*, 5 June 2015, page 26, available at <http://www.ombudsman.ge/en/news/reports-on-the-human-rights-situation-of-conflict-affected-population-and-internally-displaced-persons-in-georgia.page>.

[62] The Russian curriculum means that the Russian textbooks, licensed by the Ministry of Education and Science of the Russian Federation and published in the Russian Federation, are used for the teaching. *A special Report of the Public Defender of Georgia — The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016*, "Public Defender of Georgia", October 2015, page 4 and 5, available at <https://drive.google.com/file/d/0B9BM3M8hbgAUNFE3RndlaXc2dFU/view?pref=2&pli=1>; In these classes only few hours is allocated for learning the Georgian language as a foreign language.

[63] *The Report of the Public Defender of Georgia on the Situation of Protection of Human Rights and Freedoms in Georgia — 2015*, "Public Defender (Ombudsman) of Georgia", 1 April 2916, p. 122, available at <http://www.ombudsman.ge/uploads/other/3/3652.pdf>.

[64] *Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia*, between 11 April and 17 April 2016, p. 13.

[65] *Gali Pupils will be taught according to Abkhaz standards*, "Sputnik-Abkhazia", 5 June 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20150605/1014853569.html>.

the Russian language, noting to say about their ability to teach in the Russian language."[66]

52. According to the information disseminated during the reporting period, the situation in 11 schools of Gali district changed dramatically, namely forceful teaching in the Russian language affected negatively the quality of learning; so called "governmental officials" enter these schools in Gali district in order to double check whether the language of instruction is Russian or Georgian; school teachers are warned that they would be dismissed if using the Georgian language; disobeying teachers are accused of unconstitutional behaviour and dismissed, some of them were even forced to leave the place of permanent residence in Gali district; the Georgian songs and dances are banned; there are many cases of parents making decisions on termination of attendance by their schoolchildren of the schools with newly introduced Russian curriculum and transferring them to the schools located on the other side of the occupation line — there were 65 such cases during the academic year 2015-2016 so far known.[67]

VII. Conclusions

53. It can be concluded that the act of murder of Mr. Giga Otkhozoria during the reporting period violated the right to life, namely Article 6 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 2 of the European Convention on Human Rights (ECHR); and the OSCE commitments.

54. It can be concluded that the situation described in the occupied regions of Georgia with regard to arbitrary detention and examples provided for the reporting period constitute arbitrary detention and therefore violations of Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 5 of the European Convention on Human Rights (ECHR); and relevant provisions of the OSCE commitments.

55. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of movement and examples provided for the reporting period constitute violations of the right to freedom of movement, namely of Article 12 of the International Covenant on Civil and Political Rights (ICCPR); Article 13 of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 4 of the European Convention on Human Rights (ECHR); and the OSCE freedom of movement commitments.

56. It can be concluded that the situation described in the occupied regions of Georgia with regard to the right to property and examples provided for the reporting period violate the right to property, namely Article 17 of the Universal Declaration

[66] *Gali Pupils will be taught according to Abkhaz standards*, "Sputnik-Abkhazia", 5 June 2016, available at <http://sputnik-abkhazia.ru/Abkhazia/20150605/1014853569.html>.

[67] *Joint Meeting of the Temporary Commission for Territorial Integrity, Committees for Foreign Relations, Education, Culture, Diaspora and Caucasus Issues*, "Government of Autonomus Republic of Abkhazia", 19 April 2016, available at <http://abkhazia.gov.ge/index.php?lang_id=GEO&sec_id=36&info_id=7111>; *Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia*, between 11 April and 17 April 2016, pp. 13-14.

of Human Rights (UDHR); Article 1, Protocol No. 1 of the European Convention on Human Rights (ECHR); and the OSCE commitments.

57. It can be concluded that the situation described in the occupied regions of Georgia with regard to education in the native language and examples provided for the reporting period constitute violations of the right to education in one's native language and therefore violations of Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 1 of the European Convention on Human Rights (ECHR); Article 28 (read in conjunction with paragraph 1 of Article 2) of the UN Convention on the Rights of the Child; and relevant provisions of the OSCE commitments.

58. It can be concluded that the situation described in the occupied regions of Georgia, particularly adoption of so called "laws" and the process of "passportisation" violates prohibition of discrimination provisions of Article 14 and Protocol No. 12 of the European Convention on Human Rights (ECHR); Article 26 of the International Covenant on Civil and Political Rights (ICCPR); and International Convention on the Elimination of All Forms of Racial Discrimination.

59. It can be further concluded that the situation described in the occupied regions of Georgia violates the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region.[68]

VIII. Appeal to the International Community

60. The Ministry of Foreign Affairs of Georgia appeals to the international community, states as well as international intergovernmental and non-governmental organizations:

to intensify calling on the Russian Federation, as the power in effective control, to ensure that Mr. Rashid Kanciogli and its accomplices, responsible for arbitrary killing of Mr. Giga Otkhozoria are brought to justice;

to continue recognizing extensively and widely the occupation of the territories of Georgia by the Russian Federation;

to continue calling on the Russian Federation to bear responsibility for human rights violations on the occupied regions of Georgia;

to continue calling on the Russian Federation to stop placing and remove barbed wire fences and other artificial obstacles and banners along the occupation line;

to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia, more specifically, the Ministry of Foreign Affairs of Georgia appeals to:

(i) *the Office of the United Nations High Commissioner for Human Rights (OHCHR) to take additional measures in order to regularly address and assess the human rights situation in Abkhazia and Tskhinvali region of Georgia;*

[68] *Resolution adopted by the General Assembly on 10 June 2016 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia*, A/RES/70/265. See also previous resolutions: 69/286 of 3 June 2015; 68/274 of 5 June 2014; 67/268 of 13 June 2013; 66/283 of 3 July 2012; 65/287 of 29 June 2011 etc.

(ii) *the UN Human Rights Council's Special Procedure Mandate holders to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;*

(iii) *the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;*

(iv) *the OSCE and its autonomous institutions, namely the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM) to find ways for monitoring the human rights situation in Georgia's occupied regions. Such steps could, inter alia, include undertaking a follow-up mission to the occupied regions of Georgia and preparing a report on the status of the implementation of the recommendations contained in the ODIHR/HCNM 2008 Report on "Human Rights in the War Affected Areas following the Conflict in Georgia"*

to continue calling on the Russian Federation to allow (a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; (b) access of the relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes;

to continue and intensify condemning violations of human rights such as the right to life; freedom of movement; freedom from torture and ill-treatment; the right to liberty; the right to property and the right to receive education in the native language in the occupied regions of Georgia.

United Nations A/70/1022–S/2016/728

General Assembly
Security Council

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23 August 2016

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General Assembly
Seventieth session
Agenda item 34 (b)
Prevention of armed conflict: strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution

Security Council
Seventieth year

Letter dated 19 August 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the commentary of the Ministry of Foreign Affairs of Ukraine on the illegal visit of the President of the Russian Federation, Vladimir Putin, on 19 August 2016 to the temporarily occupied Autonomous Republic of Crimea, Ukraine (see annex).

I would appreciate your having the present letter and its annex distributed as a document of the General Assembly, under agenda item 34 (b), and of the Security Council.

(*Signed*) Volodymyr **Yelchenko**
Ambassador
Permanent Representative

16-14633 (E) 250816

Please recycle

Annex to the letter dated 19 August 2016 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Commentary of the Ministry of Foreign Affairs of Ukraine on the illegal visit of the President of the Russian Federation, Vladimir Putin, to the temporarily occupied Autonomous Republic of Crimea, Ukraine

The Ministry of Foreign Affairs of Ukraine expresses its strong protest against the visit by the President of the Russian Federation, Vladimir Putin, to the Ukrainian territories on 19 August 2016 that was not coordinated with the Ukrainian side.

Yet another visit by a Russian official to the Autonomous Republic of Crimea, which is an integral part of Ukraine, proves the continuous neglect by the Russian Federation of the Charter of the United Nations, General Assembly resolution 68/262, entitled "Territorial integrity of Ukraine", the Baku Declaration as well resolutions of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe and other principles and norms of international law.

The Ministry of Foreign Affairs of Ukraine has repeatedly emphasized the inadmissibility of uncoordinated visits by Russian officials to the sovereign territory of Ukraine within its internationally recognized borders, which includes the Autonomous Republic of Crimea and the city of Sevastopol. Attempts by the Russian officials to interpret these "trips" to Ukraine as "domestic visits" are null and void.

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General Assembly
Security Council

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General Assembly
Seventieth session
Agenda item 37
The situation in the Middle East

Security Council
Seventy-first year

Identical letters dated 19 August 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like to inform you that Israeli occupying forces persist in violating the sovereignty of Lebanon and continue not to comply with all relevant international resolutions, including Security Council resolution 1701 (2006). This is most clearly demonstrated by what those forces are doing in the occupied Lebanese part of Ghajar town and the Shab'a Farms.

In Ghajar, the occupying forces are imposing new regulations and laws in the occupied part of the town and on its inhabitants that compel them to pay taxes. Meanwhile, they are building colonial settlement blocks.

In the occupied Shab'a Farms, the occupying forces have begun to build roads and infrastructure.

I should like to reiterate that my Government honours its commitments under international resolutions. On behalf of my Government, I call on the Security Council to condemn this attack in the strongest possible terms and compel Israel to bring an end to its violations of Lebanese sovereignty by air, sea and land, and fulfil all of its obligations under Security Council resolution 1701 (2006).

I should be grateful if the present letter could be circulated as a document of the seventieth session of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

16-14640 (E) 250816 260816

Please recycle

United Nations A/70/1024–S/2016/736

General Assembly
Security Council

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25 August 2016
English
Original: Arabic

General Assembly
Seventieth session
Agenda item 37
The situation in the Middle East

Security Council
Seventy-first year

Identical letters dated 24 August 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical table of violations committed by Israel in July 2016 (see annex).

I should be grateful if you would have the present letter and its annex issued as a document of the seventieth session of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

16-14813 (E) 290816 300816

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Annex to the identical letters dated 24 August 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations during July 2016

The Israeli enemy committed 97 violations of Security Council resolution 1701 (2006) in the month of July, including 53 air violations, 36 sea violations and 8 land violations

Air violations					*Land violations*					
Military jet and air raid	*Reconnaissance*	*Helicopter*	*Total*	*Sea violations*	*Military acts of aggression*	*Field violations*	*Breaches*	*Total*	*Overall total*	*Previous month's violations*
				Directing of search lights towards Lebanese territorial waters, violation of Lebanese territorial waters and firing of flare shells over Lebanese territorial waters		Pointing of firearms, throwing of stones, firing of flare shells over Lebanese territory, extending the arm of a Poclain excavator over Lebanese territory, presence of personnel with maps, binoculars and cameras inside the occupied Shab'a Farms, violation of the Blue Line and violation of the areas to which Lebanon maintains a claim				
12	41	–	53	36	–	8	–	8	97	85

United Nations A/70/1025*-S/2016/734*

General Assembly
Security Council

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24 August 2016

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General Assembly
Seventieth session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-first year

Identical letters dated 23 August 2016 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to bring to your attention the aggressive joint military exercise so-called "Ulji Freedom Guardian", which is now being conducted by the United States in south Korea against the Democratic People's Republic of Korea (DPRK).

The United States-led large-scale joint military exercise in collusion with the south Korean forces, despite repeated warnings of the DPRK, is a grave military provocation aimed at launching a pre-emptive nuclear attack on the DPRK and a challenge to regional peace and stability in every way.

In particular, this joint military exercise is an unpardonable criminal act of pushing the situation on the Korean peninsula to the brink of a war as the situation has become unprecedentedly unstable owing to the introduction of nuclear strategic bombers, the anti-ballistic missile system of Terminal High Altitude Area Defence (THAAD) and other strategic assets by the United States to the Korean peninsula and its vicinity.

The United States war games clearly prove that it is the United States which is instigating the vicious cycles of escalating confrontation and tension and creating the danger of war on the Korean peninsula.

Peace, security and a relaxation of tension on the Korean peninsula and in the region are unthinkable unless the United States-south Korea aggressive joint military exercises are totally halted.

The United States-south Korea joint military exercises constitute a grave threat to the DPRK as well as international peace and security and deserve urgent consideration by the Security Council.

* Reissued for technical reasons on 31 August 2016.

Please recycle

Therefore, I request that the issue of the United States-south Korea joint military exercises be placed on the agenda of the Security Council and that a meeting of the Council be urgently held in accordance with Articles 34 and 35 of the Charter of the United Nations.

I would like to recall that the Security Council has unjustifiably ignored the several requests of the DPRK to place the issue of the United States-south Korea joint military exercises on the agenda of the Council.

Should the Security Council again ignore the just request of the DPRK to discuss the United States-south Korea joint military exercises, it will expose of itself that it is not only giving up its primary mission of maintaining international peace and security, but also becoming a political tool of an individual Power, only serving the interests of the United States.

It is the consistent stand of the Government of the DPRK to fundamentally terminate the danger of a nuclear war posed by the United States by dint of the powerful nuclear deterrence and defend regional and global peace.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) **Ja** Song Nam
Ambassador
Permanent Representative

United Nations A/70/1026–S/2016/746

General Assembly
Security Council

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29 August 2016

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General Assembly
Seventieth session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-first year

Letter dated 26 August 2016 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the text of a statement released by a spokesperson for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK) on 26 August 2016 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the seventieth session of the General Assembly and of the Security Council.

(*Signed*) **Ja** Song Nam
Ambassador
Permanent Representative

16-14956 (E) 310816

Please recycle

Annex to the letter dated 26 August 2016 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

Statement made on 26 August 2016 by a spokesperson for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK)

Pyongyang, August 26 (KCNA) — A spokesman for the Foreign Ministry of the DPRK released the following statement on Friday:

The news of a submarine-launched ballistic missile (SLBM) test-fire successfully conducted at a higher level by scientists and technicians in the field of national defence of the DPRK came to rock the world. Against this backdrop, undesirable forces are moving to create an atmosphere of putting pressure on the DPRK over the test-fire.

The U.S. and some other countries following it are accusing the DPRK of its SLBM test-fire and an "urgent consultation" concerning it was held at UNSC on Thursday. The U.S. and its followers, terming the DPRK's test-fire of the SLBM that fully demonstrated the nuclear attack capability of Juche Korea "violation of resolutions," brought it up to the UNSC for discussion. This is just a hideous provocation reminiscent of the guilty party filing a suit first.

The U.S. staged Key Resolve and Foal Eagle 16 joint military drills only a few months ago, openly talking about "occupying Pyongyang," after bringing the hugest-ever nuclear strategic assets and troops to south Korea.

It is now desperately kicking off joint military drills again to mount a pre-emptive nuclear attack on the DPRK despite the unanimous denunciation and opposition of all Koreans and the world public. A touch-and-go situation where a nuclear war may break out any moment is now prevailing on the Korean peninsula due to the war rehearsal.

The U.S. outrageous nuclear intimidation only resulted in the steady increase of the DPRK's nuclear attack capability. The SLBM test-fire which was successfully conducted without any adverse impact on the security of neighboring countries was a vivid manifestation and a striking demonstration of the tremendous power and inexhaustible strength of Juche Korea firmly consolidated in the face of the tempest of history and all challenges by the enemy.

The results of the test-fire proved in actuality that the DPRK joined the front rank of the military powers fully equipped with nuclear attack capability and the U.S. mainland and the operational theatre in the Pacific have come within the striking range of the DPRK, no matter how hard the U.S. tries to deny it.

The service personnel and people of the DPRK would deal merciless blows at the U.S. with nuclear hammers of justice so that nails of injustice may not come out again, once an opportunity is given, now that the DPRK has in place all substantial means capable of standing up against the U.S. nuclear hegemony.

The U.S. rash acts of taking issue with the DPRK's SLBM test-fire will only precipitate its self-destruction. The best way of escaping the deadly strike of the

infuriated DPRK is to refrain from hurting its dignity and security with prudence and self-control.

If the U.S. attempts to threaten the dignity and vital rights of the DPRK even a bit despite its solemn warning, the DPRK will continue to take one after another epochal action steps it can show as a full-fledged military power.

United Nations A/70/1027

General Assembly

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25 August 2016

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Seventieth session
Agenda items 20 and 79 (a)

Sustainable development

Oceans and the law of the sea

Letter dated 25 August 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Fiji to the United Nations and the Chargé d'affaires a.i. of the Permanent Mission of Sweden to the United Nations addressed to the Secretary-General

We are writing to inform you that owing to accommodation and other logistical constraints in Fiji caused by the widespread devastation of Tropical Cyclone Winston that struck the nation of Fiji this year, the Governments of Sweden and Fiji have proposed to transfer to United Nations Headquarters the venue of the high-level United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development.

The proposed change of the Conference venue recognizes the intense rehabilitation efforts being undertaken by the Government of Fiji in the aftermath of Tropical Cyclone Winston, which are focused on rebuilding homes, schools, hospitals and critical infrastructure in Fiji, besides addressing the physical trauma and hardship faced by the affected individuals and communities. In that endeavour, the assistance provided by the international community to the Government of Fiji has been invaluable. Transferring the venue of the Conference from Fiji to United Nations Headquarters will reflect the proper balancing of the most pressing humanitarian need of Fiji caused by Tropical Cyclone Winston and the importance of convening a successful Conference that achieves substantial progress on the implementation of Sustainable Development Goal 14.

The change of the Conference venue is proposed to be reflected in the draft resolution on the modalities for the Conference, which is expected to be adopted by the General Assembly before the conclusion of the seventieth session. The Governments of Fiji and Sweden remain committed to fulfilling their co-hosting responsibilities for the Conference, including financial responsibilities.

16-14888 (E) 310816

Please recycle

We would be grateful if the present letter would be circulated as a document of the General Assembly.

(*Signed*) Luke **Daunivalu**
Chargé d'affaires a.i. of the Permanent Mission of Fiji
to the United Nations

(*Signed*) Joakim **Vaverka**
Chargé d'affaires a.i. of the Permanent Mission of Sweden
to the United Nations

United Nations A/70/1028–S/2016/747

General Assembly
Security Council

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29 August 2016

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General Assembly
Seventieth session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-first year

Letter dated 28 August 2016 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the text of a statement of a spokesperson for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea issued on 28 August 2016 with regard to a press statement of the Security Council dated 26 August 2016 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the seventieth session of the General Assembly and of the Security Council.

(*Signed*) **JA** Song Nam
Ambassador
Permanent Representative

16-14957 (E) 010916

Please recycle

Annex to the letter dated 28 August 2016 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

Statement of a spokesperson for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea

Pyongyang, August 28 (KCNA) — The U.S. and its followers committed a serious hostile act of releasing a UN Security Council's press statement finding fault with the DPRK's measures for bolstering nuclear deterrence for self-defence such as the strategic submarine-launched ballistic missile test-fire.

A spokesman for the Foreign Ministry of the DPRK in a statement on Sunday, 28 August 2016 termed the UNSC's press statement a product of brigandish acts of the U.S. and other hostile forces to take issue with and deter the DPRK from exercising its legitimate right to self-defence, and categorically rejected it.

The recent farce of adopting the press statement which the U.S. staged by abusing the UNSC is a wanton violation of the sovereignty and dignity of the DPRK and a reckless provocation, harassing peace and stability on the Korean peninsula, the statement noted, and went on:

While deliberately disregarding the written complaint filed by the DPRK against the aggressive U.S.-south Korea joint military exercises, the UNSC found fault with the DPRK's bolstering of deterrent for self-defence, being played into the hands of the U.S. This is an illegal action taken by the world body to side with the U.S. in the acute stand-off between the DPRK and the U.S. without an iota of impartiality.

The U.S. and its followers are terming the DPRK's measures for self-defence a violation of "resolutions" of the UNSC and the like but even the UN Secretariat fails to give a clear answer to the question as to whether the "resolutions" are legitimate documents complying with the UN Charter.

The DPRK has substantial means capable of reducing aggression troops in the U.S. mainland and the operational theatre in the Pacific to ashes in a moment once an opportunity is given to cope with the U.S. unprecedented hostile policy and nuclear threat to the DPRK.

The DPRK has already warned the U.S. that its rash act of finding fault with the SLBM test-fire would only precipitate its self-destruction and that the best way of escaping the deadly strikes to be made by the enraged people of the DPRK is to refrain from hurting its dignity and security with prudence and self-control.

Now that the U.S. posed threats to the dignity and the right to existence of the DPRK defying its serious warning, it will continue to take a series of eventful action steps as a full-fledged military power.

The U.S. and its vassal forces will be held wholly responsible for all the ensuing consequences.

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Report of the International Atomic Energy Agency

General and complete disarmament

Letter dated 26 August 2016 from the Permanent Representatives of Argentina and Brazil to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of the joint communiqué from the President of the Argentine Republic, Mauricio Macri, and the President of the Federative Republic of Brazil ad interim, Vice-President Michel Temer, issued on 18 July 2016 on the occasion of the twenty-fifth anniversary of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (see annex).

We should be very grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda items 87 and 97.

(*Signed*) Martin **García Moritán**
Permanent Representative of Argentina to the United Nations

(*Signed*) Antonio **de Aguiar Patriota**
Permanent Representative of Brazil to the United Nations

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Annex to the letter dated 26 August 2016 from the Permanent Representatives of Argentina and Brazil to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

Joint communiqué issued on 18 July 2016 on the occasion of the twenty-fifth anniversary of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials

The President of the Argentine Republic, Mauricio Macri, and the President of the Federative Republic of Brazil ad interim, Vice-President Michel Temer:

1. Reaffirming the inalienable right of States to nuclear technology for peaceful uses, as well as the strategic nature of the dialogue, coordination and trust consolidated between Argentina and Brazil in the nuclear field, welcome the twenty-fifth anniversary of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC);

2. Highlight that the signing of the Guadalajara Agreement, in 1991, whereby ABACC was created, made it possible to overcome mutual distrust and lack of understanding and to lay the foundations for a transparent and cooperative relationship;

3. Reaffirm that ABACC is an innovative mechanism for accounting and control of nuclear materials, whose effectiveness is reflected in its close cooperation with the International Atomic Energy Agency (IAEA), which has led, in the last 25 years, to more than 2,500 inspections in both countries;

4. Recognize the importance of the Quadripartite Agreement, signed on 13 December 1991, between Argentina, Brazil, ABACC and IAEA which, in regulating cooperation for the joint application of nuclear safeguards, constitutes an essential element in the operation of the system and has contributed to nuclear non-proliferation in the region;

5. Reaffirm the commitment to building the Brazilian Multipurpose Reactor and Argentina's RA-10 Reactor, which are joint strategic projects that evidence mutual trust in the nuclear field and whose development will make it possible to supply the regional market with the radioisotope molybdenum-99, which is essential in nuclear medicine for diagnosis and the treatment of diseases;

6. Express their resolve to strengthen and enhance the political and technical dialogue in the nuclear field through existing bilateral mechanisms, especially the Permanent Nuclear Policy Committee and the Binational Nuclear Energy Commission;

7. Underscore the strategic nature of bilateral cooperation in the nuclear field for the development of peaceful uses of nuclear energy, which is an essential element to achieve technological autonomy in both countries;

8. Reaffirm Argentina's and Brazil's commitment to nuclear disarmament and non-proliferation and urge States with nuclear weapons to fully eliminate their arsenals in a transparent, verifiable and irreversible manner.